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Government
Publications

No. 39A

N° 39A

ISSN 1180-2987

**Legislative Assembly
of Ontario**

Third Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 8 October 2002

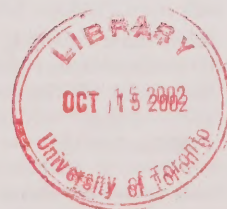
Mardi 8 octobre 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 8 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 8 octobre 2002

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

HYDRO RATES

Mr Michael A. Brown (Algoma-Manitoulin): The hydro bills just keep coming, and the calls, letters, e-mails, petitions and postcards continue to swamp my offices. They come from places like Chapleau, Echo Bay, Dubreuilville, Hawk Junction, Blind River, Espanola, Silver Water, Batchawana and all across the north.

The rates are up again for September. The Independent Electricity Market Operator tells us that the bills through the fall and winter months will remain outrageous. Farmers, working families, seniors on fixed incomes, businesses large and small will be paying the price for the Ernie Eves electricity experiment, an experiment rushed forward by an ideologically driven government without regard for the people of Ontario.

Today I ask you, Premier: whatever happened to real rural rate assistance, a program that was long in place to keep rural rates competitive with those in the urban centres? Electricity customers in Ontario know that the Ernie Eves electricity experiment has erupted and is only causing exploding electricity bills.

My constituents want to know when this government is going to listen to Ontario consumers and provide extensions and flexibility on the payment of their hydro bills. They want to know when the Eves government plans to bring back real rural rate assistance, and they want to know when the government is going to listen to Ontario Liberals and roll out the rebate.

NORTH BAY REGIONAL HEALTH CENTRE

Mr AL McDonald (Nipissing): I am pleased to stand before the House today to let the people of Ontario know how hard the North Bay General Hospital Foundation has worked toward raising its \$15-million goal; in fact, they've already raised \$11.2 million.

On September 24, North Bay reached a long-held dream, a dream with a bold vision for the future: the new regional health centre. This health centre is the first in Ontario to combine a state-of-the-art general hospital with an advanced mental health facility. This indeed is the way of the future.

Frank Dottori and Barbara Minogue, co-chairs of the Caring for Generations campaign, have said the health centre is way ahead of its time, and already 70% of the funds have been raised, which is extremely encouraging. It is their hope that the people of Nipissing realize what a privilege it is to have such a wonderful facility.

Our community has been presented with a unique opportunity to create a wonderful health care centre that will serve us for many years into the future. We're building the regional health care centre for the people who matter to us most: our children and our grandchildren's children.

The provincial government has committed millions to this project, but we also must commit ourselves to this vision of the future. This, after all, is the largest construction project in the history of the city of North Bay.

Dalton McGuinty and his party, the Liberals, cancelled our last hospital in the late 1980s, and we're not going to let them do it again.

PROTECTION OF PRIVACY LEGISLATION

Mr Bruce Crozier (Essex): I'd like to take this time today to talk about the games that governments play.

In February of this year, the Ministry of Consumer and Business Services launched a comprehensive consultation on its draft privacy bill. As of August 1, the ministry received over 600 comments and submissions.

The ministry has since revised the bill and informed certain stakeholders of what the changes are. Strangely—and maybe not so strangely—my office was unable to get a copy of the revised legislation or even find out what changes have been made. We were told we would have to wait until it was introduced, but we couldn't even find out when that might be.

Why is this government so afraid to give legislation to the legislators? You've put much effort into a thorough, open-minded consultation process. You've invited Ontarians to review the draft bill and express their concerns. Particularly on an issue as fundamentally important as our privacy, we need to have all the information up front so we can be prepared for meaningful debate. We can't do that if your government is going to introduce the bill and rush it through the Legislature, as often happens. We need constructive dialogue on a bill as important as the privacy bill.

I'm disappointed you let petty politics get in the way of this particular bill.

NATIONAL DENTAL HYGIENISTS WEEK

Mr Bart Maves (Niagara Falls): It is my pleasure to rise today to recognize National Dental Hygienists Week, which runs from October 13 to October 19.

I'm reminded of the famous movie line, "You want the tooth? You can't handle the tooth." Nor can dentists handle teeth by themselves. That is why today there are over 6,700 registered dental hygienists practising in the province, making them one of the largest regulated health professions in Ontario.

Over the years, the job of the dental hygienist has broadened greatly. Years ago, dental hygienists were only responsible for cleaning and polishing teeth and promoting good oral health. Today, dental hygienists not only clean teeth, but they also provide a process of care that involves assessing condition, planning and implementing treatment, and evaluation of care programs.

Today, dental hygienists are not just found in the dental practices. Dental hygienists are also choosing careers in research; public health centres, including schools and long-term-care facilities; universities and colleges; hospitals; native health care facilities; and private clinics.

As we begin National Dental Hygienists Week, we acknowledge the important role dental hygienists play in promoting overall wellness through optimum dental care. The next time you brush your teeth or flash your pearly whites, thank a dental hygienist.

HYDRO RATES

Mr Michael Gravelle (Thunder Bay-Superior North): For those people who believe that the public has no influence over decisions made by agencies such as the Ontario Energy Board, the announcement yesterday that the provincial government will launch a wide-ranging review of the board's powers, including its decisions related to retroactive increases, gives us renewed hope that a massive public outcry can get the attention of the decision-makers here at Queen's Park.

In my constituency, we launched our own protest against OEB approval of Union Gas's retroactive delivery charges and the response has been overwhelming. Hundreds of letters, petitions, e-mails and faxes have been forwarded to me, and I can certainly tell all those who have participated in this democratic process that it is your outcry that got the government to act. I only hope Union Gas will respond to this review by at least suspending their collection of this delivery charge until the review is complete.

The fact is, people are absolutely fed up with unjustified increases in their utility bills. Earlier this summer, consumers were shocked to discover that the federal goods and services tax is being applied to the debt retirement charge on their hydro bills. This double taxation is unacceptable, and I was shocked that the Ontario government did not share my point of view in

that regard. While I and my colleague Sean Conway have written Finance Minister Manley asking him to remove this federal tax from our bills, I continue to believe that Ontario Finance Minister Ecker should be leading the charge on behalf of all hydro customers in this province.

As utility costs continue to rise, all our constituents must be protected against extra charges which line the pockets of government or massive corporations. People are very, very angry and they're not going to take it any more.

1340

EDUCATION FUNDING

Mr David Christopherson (Hamilton West): Since 1996, this government has removed \$1 billion from public education. We are seeing the effects of this loss in libraries, programs and closed schools and in the 34,696 children on waiting lists for special education services.

Hamilton school board trustees pleaded for years for more funding. When they ultimately stood up to this government and said they would not cut another penny from our kids' education, you appointed a supervisor to do your dirty work, to close schools and cut programs. You even left the board on the hook for the salary of the supervisor—\$166,000—and the salaries of whatever PR staff he needs to hire to put the government's spin on this disaster.

This government can't find a penny for our kids, but it can spend hundreds of thousands of dollars on bureaucrats and it can find \$1.4 million to spend on an advertising campaign to try to justify the takeover of our school board.

What if all this money could have gone to our kids? That \$1.4 million could move 360 special education students off waiting lists and into classrooms; one supervisor's salary would pay for three desperately needed special education teachers in Hamilton, or five educational assistants, or more textbooks. The list goes on.

You should hang your head in shame at what you've done to our kids. The people of Hamilton see through your plan to make this supervisor and our trustees your scapegoats. They know that the Eves government should, and will, be held accountable.

CHILD ABUSE AND NEGLECT PREVENTION MONTH

Mr John O'Toole (Durham): As a parent of five children, I'm pleased to rise in the House to note that October is Child Abuse and Neglect Prevention Month. This is the 10th anniversary of the Purple Ribbon Campaign. It recognizes that we can change a child's world.

In particular, I'd like to pay tribute to the work of the Durham Children's Aid Society. Since 1905, it has been changing the world for children in our communities. Their mission statement reads as follows:

"Durham Children's Aid Society is committed to children and youth by protecting them from abuse and

neglect, strengthening the ability of their parents and families to meet their needs, and providing safe, enduring placements when they are at risk."

Community education is also an important role for the Durham Children's Aid Society. In addition to its dedicated staff, the Durham Children's Aid Society has over 100 volunteers, who gave over 19,000 hours of service last year alone.

On Saturday, October 12, a benefit will be held at Archibald Orchards and Estate Winery, in my riding of Durham, in support of the Durham Children's Aid Society. A silent auction will assist in prevention, education and enrichment programs. Durham residents can pick up their purple ribbons at Archibald's and also at Reid's Dairy stores and many other locations throughout Durham region.

On the occasion of the 10th anniversary of their Purple Ribbon Campaign, I'd like to congratulate board chair Blair Walters and the board of directors. Congratulations also to the executive director, James Dubray, the staff volunteers and all those who are working hard to change a child's world, not just in Durham but throughout Ontario.

MENTAL ILLNESS AWARENESS WEEK

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I rise today in recognition of Mental Illness Awareness Week. Approximately 20% of Ontarians will experience a mental illness during their lifetime and the remaining 80% will be affected by an illness in family members, friends or colleagues.

Regardless of age, culture, income or education, mental illness has no bounds, and yet in the minds of many it has failed to be understood. Unfortunately there is still significant stigma, as well as discrimination, attached to mental illnesses within Ontario and across the country, which means that mental illness sufferers are often forced to remain quiet. Therefore, I stand here today and take this opportunity to draw attention to mental health issues and encourage greater acceptance and understanding of these disorders and those affected by them.

If addressed early, science has shown us, treatment can help individuals suffering from mental disorders. If given the opportunities to receive treatment, these individuals can live full and productive lives. I believe education is a valuable tool in combating and overcoming the obstacles that families and sufferers of mental illness face. Throughout Ontario's communities, mental illness sufferers need our help.

Instead of turning our backs, we must use this week to redouble our efforts to help those at risk. Today I ask all members of this House and all residents of Ontario to reach out to our neighbours, friends and families and assist in the elimination of all discrimination that surrounds mental illness sufferers. It is only together that mental illnesses can be fully recognized and overcome.

QUEEN'S VISIT TO CANADA

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It is my great privilege to rise in the House today on behalf of all members to welcome here the Queen of Ontario and of Canada, Her Majesty Queen Elizabeth II. Her Majesty has come home to Canada to join with us in celebrating the golden jubilee of her coronation as our head of state.

There are some in Canada today who openly question the enduring significance and relevance of the crown in Canada. I stand in my place in this Legislature today not only proclaim my loyalty to the crown, but also to proclaim the many benefits that our constitutional monarchy continues to bestow on all Canadian citizens of diverse cultures and backgrounds.

The crown has always been Canadian as the royal thread that knitted together our country, beginning with the four original provinces to our contemporary bilingual and multicultural society. Her Majesty the Queen is related by blood to 37 royal houses of Europe and Asia, including the emperors of India and the T'ang dynasty of Tibet.

In paying tribute to our Queen, we Canadians pay tribute to our history as well as our diversity that is united in her person, as her subjects and citizens of Canada. On behalf of all members of this Legislature, Her Majesty's loyal provincial administration and Her Majesty's loyal opposition, I warmly welcome Her Majesty Queen Elizabeth, Queen of Ontario and Canada, to our province. God save the Queen.

Ms Marilyn Churley (Toronto-Danforth): On a point of order, Mr Speaker: I would ask for unanimous consent to bring Bill 77, An Act to amend the Vital Statistics Act and the Child and Family Services Act in respect of adoption disclosure, for third reading.

The Speaker (Hon Gary Carr): Is there unanimous consent? I'm afraid I heard some noes.

VISITORS

Mr Richard Patten (Ottawa Centre): On a point of order, Mr Speaker: Thank you for this opportunity. As you know, we have a wonderful group of pages with us this term. One of the pages' names is Ellen Stephenson, and her parents and two sisters have decided to come and see what a fine job she is doing today. I would ask you all if you could welcome her family.

The Speaker (Hon Gary Carr): We welcome our guests.

ORAL QUESTIONS

HYDRO RATES

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. All across the province, families, seniors living on their own on fixed incomes,

and businesses both big and small are getting shocked by their hydro bills.

Our offices have been absolutely inundated with calls and expressions of concern on the part of many Ontarians. We've got cases of people hit with 100%, 150% and even 200% increases in their hydro bills. Now we have learned from the Independent Market Operator that bills are likely going to get worse next year. The IMO is basically saying, "Folks, if you think things are bad now, you ain't seen nothing yet." All this, Premier, is the result of your incompetence on the electricity file.

I'm asking you on behalf of families and businesses that not only have concerns with respect to the bills today but concerns now with respect to the bills yet to come about a year from now, why is it they should trust you, sir, when it comes to protecting them in regard to their hydro bills?

1350

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, that is not what the IMO said. The IMO said that if certain things didn't come back on stream, such as Pickering and a particular unit at Bruce, there could be problems if we experience another warm summer such as the one we just experienced.

This year, during those summer months, we had to import 21% of our energy. Those two entities that I just mentioned represent somewhere between 15% and 20% of the generation capacity.

Having said that, I understand the point that the IMO makes, and that is that there must be other sources of power generation coming on stream as we go forward. That is what the open market is all about.

Mr McGuinty: It's obvious to me, Premier, that you have not taken the few minutes it would take to read the IMO's report, because it is very, very clear that you are not sending the kind of signals that should be sent that would lend some stability to the market and would be of some benefit, ultimately, to ratepayers.

First, you told families, "Look, rates aren't going to go up." Then when they skyrocketed, you said, "Well, hang on a second. We've just got to wait this thing through. Things are going to work themselves out." Now the IMO tells us that things are going to get worse because we're not going to have the necessary supply and because you haven't introduced stability into the marketplace. At the end of the day, all it really means is that ratepayers, families, seniors, and businesses both big and small are in serious trouble because of your incompetence.

I ask you again, why should ratepayers have any confidence in your ability to manage their bills for them?

Hon Mr Eves: First of all, he knows that in May and June, rates per kilowatt hour were below the traditional average, and in July, August and September, they were up because of the heat of the summer. He also knows that OPG has a rebate program in place if, over the long term of course, those rates remain above the traditional average. He also knows that there are many private sector producers of electric power, such as Sino Energy, Trans-

Alta and on and on, who are investing in the province of Ontario.

Mr McGuinty: Since the Premier hasn't taken the time to look at the report that was prepared for him, I'll read him a section of it. It says, "The signals potential private investors have been receiving through the first four months of market operation may have"—and I suggest that is a very diplomatic usage there on the part of the IMO—"lacked the clarity, credibility and ... consistency required to encourage investment in new capacity." The IMO is saying that the private sector does not trust you.

We have a case of families not trusting your ability to manage their hydro bills. Businesses have the same distrust. Now the IMO is telling us that the private sector does not trust your ability to properly manage hydro in the province of Ontario.

So I ask you one more time, not only now on behalf of families and businesses, but on behalf of potential private sector investors who could help us with our supply problem, why should any of those trust you on this file?

Hon Mr Eves: Mr Speaker, he's quoting very selectively from a 140-page report.

Interjections.

Hon Mr Eves: Well, he is. The reality is we recognize the need for more generation capacity in the province of Ontario. In fact, I would say the leader of the official opposition himself, in the past, has said that a perfect system would be where we had four, five or six equal-sized producers of electricity in the province of Ontario. Ultimately, that is the goal and that's where we're going to get to.

SCHOOL CLOSURES

Mr Dalton McGuinty (Leader of the Opposition): I have a question as well to the Premier. Today, parents and students falling within the Thames Valley District School Board awoke to some terrible news. They have learned that there are five elementary and two high schools that are on the chopping block, in small communities like Ingersoll, Tillsonburg, Sweaburg and Springfield. These schools in those communities are absolutely integral to the quality of life those communities offer.

The vice-chair of the board says the reason for closing these schools is because you haven't given them enough money to keep them open.

If there is general agreement on anything today when it comes to public education, it is that the school funding formula, as drafted by you as Minister of Finance, is badly, badly broken.

Why would you not place a moratorium on school closures until you've had an opportunity to fix your broken funding formula?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): The leader of the official opposition knows full well that school boards in this province have always made decisions about building new schools and

closing old schools as the demographics of their population changed within the jurisdictions of the boards.

I'm sure he will also know that when the Liberal Party was in power, it opened far fewer new schools than our party has while we've been in power for a similar period of time.

Mr McGuinty: Premier, I will draw to your attention a couple of the schools which are on the chopping block. One is Westfield in Ingersoll; occupancy, 147%. The other is Northdale in north London; occupancy, 103%. This is not a case of shutting down schools because there's a shortage of student enrolment; it's a case of a school board that feels it has no other choice than to shut down some of its smaller schools.

Interjections.

Mr McGuinty: You should know, and I'm sure the minister would be interested in listening to this, that in the States today they are moving toward smaller schools, taking a large high school, for example, and cutting it into four, because they've learned that better learning takes place in a smaller school environment.

Your broken funding formula is sending public education in exactly the wrong direction. So I'm asking you a question on behalf of those parents, those students and those communities that are about to be adversely affected once again by your broken funding formula: what are you going to do to ensure those schools stay open at least until we have the time to reverse the damaging effects of your funding formula?

Hon Mr Eves: The leader of the official opposition will know that this year, \$557 million has been added to school board budgets across Ontario, probably the largest in-year number in the history of the province, bringing total spending to \$14.3 billion. He will also know that right now we are undergoing a review of the funding formula that he talks about, and Dr Rozanski will be reporting back to the government on that in November. We will take further action at that time, depending upon his recommendations.

Mr McGuinty: A couple of things, Premier. First of all, with respect to the numbers, we have \$1,250 less per student on a per capita basis today than we had in 1995, on an apples-to-apples basis. What you have committed to do is provide another \$3,500 per student in private schools. You're committing to put half a billion dollars into private education.

Why can you not agree to put a moratorium on any school closures at this time, until such time as the funding formula has been fixed? Everybody knows that repairing the funding formula is going to entail putting more money into public education. Why would you not agree that the sensible thing to do in the circumstances is delay closing any schools until we've had the opportunity to fix your broken funding formula?

Hon Mr Eves: Which Dalton McGuinty are we listening to today?

Interjections.

Hon Mr Eves: I know you don't want to hear this, but you're going to anyway.

The Speaker (Hon Gary Carr): Come to order. The Premier has the floor.

Hon Mr Eves: Is this the Dalton McGuinty who on November 3, 1998, said, "Well, you know, um, schools close and schools open on a fairly regular basis," or the Dalton McGuinty about whom it was said on September 4 of this year that he "does support the closing of schools, but only in the natural order of things," according to an Ancaster News interview with you? Or is it your education critic Gerard Kennedy, who, as reported by the St Catharines Standard on February 4, 2000, made no promises that schools wouldn't be closed under his party had it been in power, but said it would have been "less likely, in his opinion"?

1400

HYDRO RATES

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Last week you said we should wait a year to find out if hydro privatization and de-regulation is working. This week, your own hydro market surveillance panel says we don't have enough hydro. The private sector hydro you boast about isn't happening. Your own panel says that skyrocketing hydro bills will continue along with the serious risk of brownouts and blackouts next summer.

Premier, why are you putting our economy at risk by fiddling for a year while the lights go out and people's hydro bills continue to increase?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, the leader of the third party will know that there are private sector developments going on now with respect to future generation.

Mr James J. Bradley (St Catharines): Name names.

Hon Mr Eves: "Name names," the honourable member from St Catharines says. I'm glad you asked me that question, because we can read them off here.

First of all, we know we have to get Pickering and Bruce A nuclear back on stream. Those are two very significant generators of power in Ontario. He will also know, if he read the IMO's report, that they point out the fact that because of the unusually warm summer, combined with the fact that one unit at Bruce was down for two months of the summer, we had to import 21% of the power used in those two months this summer. That is not an everyday or even an every-year occurrence. We don't have the warmest summer on record every year. It's been the first one in the last 50 years, since 1955. That won't happen every year, and he knows it. We have Sithe Energy, TransAlta, Calpine, Imperial Oil and on and on, all investing in Ontario to produce more electricity next year, the year after and the year after that.

Mr Hampton: Premier, you go out there and try to convince people across this province that our summers aren't getting warmer and then read your own report, because it says this private hydro that you boast about isn't happening, that it won't be here next summer and it

won't be here in the summer of 2005. It's not happening, Premier.

But what is happening—and the panel refers to this—are several examples of gaming the hydro market. You know what that is. That's what Enron did in California when they ripped off consumers to the tune of billions of dollars. Your own panel says there is a risk now of that happening in Ontario. Premier, do you want to go the way of California? If you don't, stop this hydro privatization and deregulation fiasco now, because even your own people say you've got it wrong.

Hon Mr Eves: That is not what the IMO report says. What the IMO report says is that if new power generation isn't brought on stream as we go forward, and if we have yet another record summer—it can't be the worst one in 50 years because, according to you, we have one every year. What happened to 2001? That must have been a record. You said every year, any idiot knows, we keep on getting progressively warmer. Then 2001 would have been a record, not 1955. This was a very unusual summer.

I know you travelled around the province on your bus, and I'm glad to see that you're starting it up with diesel fuel again to go around the province some more. Last time in your journey around the province you encouraged people not to sign fixed-price contracts. Now you're up in the House screaming and yelling because you encouraged them not to sign, they didn't sign and now the price of their contracts is very volatile. What are you going to do on your bus tour this time, Howard?

Mr Hampton: Here we have the confession. The Premier of Ontario doesn't believe global warming is happening. The Premier of Ontario believes that what he should offer people is a choice of an increase of 75% in your hydro bill or 40% in your hydro bill. That's all you're offering people.

Premier, I'm telling you, step back from the precipice and recognize what is happening. Reviewing the Ontario Energy Board is not going to deal with all the things that have happened since you brought hydro privatization and deregulation to the province. Learn from the lessons of elsewhere, from California, Alberta and Montana, where they now want to reverse deregulation and privatization. Will you join me and the 80% of people across Ontario who've gotten on board the public power bus, who don't want private, deregulated hydro? That's what they want you to do. Will you do it?

Hon Mr Eves: No, I won't join him on his bus as he goes on his next tour of the province of Ontario.

During the entire five-year mandate of the Bob Rae government, the NDP brought on-line a grand total of 1,400 megawatts of power. That's what they did about taking care of this problem in five years. Since we have been in government on this side of the House, just since 1998 we have commitments to the province of Ontario to bring on board 10,103 megawatts of power, compared to the 1,400 you brought on in five years. We understand what needs to be done, we are going to do it and in the end we are going to have a much better system of free

enterprise in the province of Ontario and lower power prices for generations of Ontarians for many years to come.

MUNICIPAL POLICE SERVICES

Mr Howard Hampton (Kenora-Rainy River): My next question is for the Minister of Public Safety and Security. Some very disturbing things are happening across rural Ontario in terms of policing. In my constituency this summer, between the city of Kenora and the city of Dryden, 15 people died on the Trans-Canada Highway. One of the allegations that has been raised by people is that there were not enough OPP officers. In another community in my constituency, people felt so strongly that they asked for a meeting with the OPP detachment commander as to why there was not enough OPP coverage in the community.

This is happening in many places in rural Ontario, yet at the same time we hear about not enough OPP officers to patrol the highways or to patrol communities, the OPP is taking over more and more municipal police forces. Do you think it's appropriate that the OPP take over more and more municipal police forces when we hear from community after community that there aren't enough OPP officers on the highway to do the job they have now?

Hon Robert W. Runciman (Minister of Public Safety and Security): I don't accept the basis of the question with respect to the OPP bidding on contracts to provide policing in municipalities across the province.

The reality is, they do go through a costing and bidding process, with the municipalities retaining—if they opt to have OPP service provided, they are, in effect, hiring a certain number of officers to police that community. They have to meet the minimum standards as set out by the province of Ontario through our adequacy regulations.

I'm not sure where the member is going on this question, but the reality is that they have a certain number of officers approved. That is all reviewed by the Ontario Civilian Commission on Police Services with respect to meeting the standards of the province of Ontario in terms of public safety.

Mr Hampton: Minister, on September 20 you quietly announced an independent review of the disbandment of municipal police forces; no press release, no announcement, just a quiet announcement of a review. But at the same time, you're allowing the process of municipal disbandment of police services and OPP takeover to continue. If you ordered the review and you've got communities from across this province like Harriston and Minto, the chief of police of Kingston, the 15 people who died on the highway in my constituency this summer—if you announced the review, why are you allowing this process to continue? It seems to me that logically you should be saying, "If there's a perceived problem that warrants a review, we should not be allowing any more of these takeovers to happen." Wouldn't you agree?

Hon Mr Runciman: I think it's wise for any government policy to be reviewed on a regular basis. That's certainly the view of this government. We made changes with respect to policing in a significant way a number of years ago. There was a guidebook with respect to the costing process that was developed and agreed to by all the partners in policing. I think it's appropriate and timely that we review that process and ensure that over the past five years there have not been changes with respect to how this should evolve. If there are indeed changes, we will address them.

I have a great deal of difficulty with this member getting up here and expressing concerns about policing in Ontario. The reality is that this government put 1,000 well-equipped, well-trained new officers on the streets of communities in Ontario. What did that government do? They put 5,000 angry officers on the front line at Queen's Park.

1410

EMPLOYER HEALTH TAX

Mrs Sandra Papatello (Windsor West): My question is for the Premier of Ontario. I have in my hands a cabinet document. It's another shocking example of you putting your friends ahead of the public interest. In this cabinet document it says that your government gave the Toronto Blue Jays and other professional sports teams \$10 million. You created a loophole to cut their employer health tax payments by as much as 50%. This happened in April and you didn't tell a soul. Not a single release was sent out by your office or by the Minister of Finance to announce your decision to subsidize Carlos Delgado's salary.

Premier, given the needs of our health care system today, could you please explain how other Ontario businesses are forced by law to pay all of this tax? How can you possibly justify a double standard for your friends?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): The Minister of Finance must have an answer to this.

Hon Janet Ecker (Minister of Finance): This government is always prepared to help individuals and organizations in terms of making sure people are competitive and prosperous. I'll be very pleased to look into the comments the honourable member has made to assure her that nothing untoward has occurred.

Mrs Papatello: I find that quite an interesting answer because actually it was the Minister of Finance, in November 1998—that would be today's Premier—who argued the opposite. What he said in a court of law against a business in Ontario was what the minister argues the contrary. He was suggesting absolutely, in law, that these people would have to pay all of the employer health tax.

I go back to the original question to the Premier. The Toronto Blue Jays don't need a tax cut, the Raptors don't need a tax cut, the Maple Leafs don't need a tax cut. You know this but you gave them \$10 million anyway. You

took \$10 million from what would go into our health system, where people are waiting 12 weeks for a mammography test in this province, and you're handing it to professional sports teams. You must be embarrassed by it because you didn't tell anyone and we had to go and find it in an order-in-council document. Apparently, your caucus doesn't even know.

I ask you again, Premier, why the double standard? Why do you help your friends when the balance of Ontario businesses have to pay all of their employer health tax?

Hon Mrs Ecker: I've already said to the honourable member that I'd be quite happy to look into the situation. If the facts are as they usually are when they're coming from the opposition, I can assure her she has nothing to worry about. But we'd be quite happy to look into it.

This is the government that has given individuals \$11 billion in tax relief. This is the government that has cut taxes for small business, tax cuts that the opposition, the Liberal Party, is promising to reinstate. They're going to increase taxes on our small business sector, the sector that produces the majority of jobs in this economy. That is the record of the opposition party. Our record is quite clear.

AGRICULTURE INDUSTRY

Mr Bert Johnson (Perth-Middlesex): My question is for the Minister of Agriculture and Food. As all of us in this House are aware, this week marks the fifth annual Ontario Agriculture Week. It's an excellent opportunity to recognize the tremendous contribution Ontario farmers make to our communities and our economy.

Farmers in my riding of Perth-Middlesex and across the province were extremely busy this past summer producing high-quality food for consumers here and around the world. I understand that our government has also been productive in providing the agricultural industry with some much-needed support. I also understand from the agricultural leaders I've met, some as recently as this morning, that in your role as Minister of Agriculture and Food you've been working as hard as those farmers to ensure that agriculture is given the support it needs. Minister, I would like you to inform the Legislature of some of our government's recent efforts to support this important industry.

Hon Helen Johns (Minister of Agriculture and Food): I'd like to congratulate the member for Perth-Middlesex for coming forward with agriculture week so that the Legislature is cognizant of the things that are going on in agriculture. This is the fifth anniversary and he has done a terrific job.

We have a number of initiatives that we've been working on with farm groups over the summertime. The Premier was good enough, at the International Plowing Match, to announce \$72.5 million, which is the 40% of the transition funding that needed to go out as investment to our agricultural community. We have those dollars ready to go. They should be out by the end of the month.

And we are very optimistic that the cash the industry asked us to put forward will be needed and well utilized.

We also must say that in July we worked with the federal government in a consolidated effort to try and ensure that we had a program that spread the dollars we already had in the market revenue and NISA programs even more fully and the agricultural community was happy—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

Mr Johnson: Minister, thank you for the summary. You've indeed had a busy summer and a very productive one as well.

As I talk to farmers—

Interjections.

Mr Johnson: I can understand why the Liberal caucus doesn't believe in listening. I believe that yesterday they showed their true colours to the farmers of Ontario in not supporting your bill.

As I talk to farmers in my riding of Perth-Middlesex, the message is clear. Our government has been there to support agriculture and food industries and the rural communities which rely on those industries. Minister, what priorities will the government be focusing on agriculture during the coming months?

Hon Mrs Johns: Let me say that there are a number of agricultural issues we've been working on on this side of this House. As everyone is cognizant, the Premier led a round table in June. We've been following forward on that. He said at the time that it was very important to hear from the agricultural community and react and work with the agricultural community, and we have been doing that.

The Minister of the Environment and I have been out talking to the agricultural community and the environmental community about the nutrient management plan, and the first regulations are out and available to the agricultural community. In fact, we have had a good response from the first two regulations, and we have another set coming out shortly.

Thirdly, as I said earlier, the Premier announced the risk management tool for the province of Ontario in September. It has been well received and I think it shows that this government has a positive attitude and is there to help the agricultural community in Ontario because we know that this is a very important business that needs to have longevity and needs to provide us all with the great quality of food that is made in Ontario.

EMPLOYER HEALTH TAX

Mrs Sandra Pupatello (Windsor West): My question is for the Premier, and I'd like an answer to this question. Could you please explain to the House how you can justify \$10 million to professional sports teams in Ontario, by giving them a loophole in the employer health tax so that monies that should be going to the people we brought to you in this House last week, people who are waiting for diagnostic services, people who are waiting too long for cancer services—those are the

people—so that you can give the money to your friends, people like Ted Rogers, Paul Godfrey? These are the individuals who are involved with professional sports, like the Maple Leafs, like the Blue Jays, like the Raptors. Please explain to this House how you rationalize a tax loophole for your friends, but the balance of Ontario businesses have to pay the entire employer health tax.

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I wish the honourable member would tell me what date I supposedly have done this, because I have absolutely no knowledge of what she's talking about. There hasn't been an OIC that has gone through cabinet that says what she says it does since I've been Premier. I became Premier, in case you're interested, on April 15 this year.

1420

Mrs Pupatello: Premier, in November 1998 you were the Minister of Finance. You're the one who argued that all businesses in Ontario must pay all of the employer health tax. The date on this cabinet document is after you were elected Premier and after you began getting briefings from the Ministry of Finance. You knew about this, and you did nothing. This was signed by another Minister of Finance. You were the Premier. You were the elected leader, and you had already received briefings. I want you to explain why we can do without \$10 million in the health system.

Hon Mr Eves: I know she'd want to do the honourable thing. I now have in my possession a copy of the order in council, and I know why you won't answer the question. Because the date is April 2 of this year, two weeks before I became Premier of the province. It did not happen while I was the Premier. Stand up and do the honourable thing.

Interjections.

The Speaker (Hon Gary Carr): Come to order.

Interjections.

The Speaker: Stop the clock. We've got a little bit of carrying on.

VISITOR

The Speaker (Hon Gary Carr): In the east members' gallery we have a former member, Mr Jordan, who was a member of the 35th and 36th Parliaments. Please join in welcoming our honoured colleague.

It is now time for a new question.

TOURISM AND AMATEUR SPORTS FUNDING

Mr Rob Sampson (Mississauga Centre): My question is to the newly appointed Minister of Tourism and Recreation, the member for Oak Ridges. I know you are just getting briefed on your portfolio, but I know you are aware of the fact that tourism is a vital and fast-growing business in Ontario. In fact, many small businesses and businesses in general in Mississauga—

Interjections.

The Speaker (Hon Gary Carr): Order. We need to hear the question. Members can't carry on conversations across. Sorry, member for Mississauga Centre.

Mr Sampson: I was explaining to the minister, who is probably getting briefed now, that many businesses in Mississauga, the area I represent, and frankly throughout Ontario live and breathe the business of tourism, attracting people to Ontario from other jurisdictions, most notably the US, to do business here in the province.

We are trying to help that as a government. We have been doing that for some time. In fact, you have a fund that allocates monies to help attractions attract people from other jurisdictions to come to the province and come to Mississauga. Could you help us understand a little bit more about how you do that, how that works and how that helps Ontarians in general?

Applause.

Hon Frank Klees (Minister of Tourism and Recreation): I think I'll enjoy that while I can. I want to say to the Premier, this has been a long time coming, and I thank you very much.

The member from Mississauga is absolutely right: tourism is a vital industry in our province. Some 425,000 jobs depend on it, some \$16.8 billion in revenue to our province. I look forward to assuming a leadership role in this industry. I am aware that post-September 11 there have been some challenges to this industry. Our government believes we must do what we can to support this industry. We are expanding our October program. We are providing some additional marketing support to this industry. I look forward to working with all stakeholders in this industry over the next number of months to truly bring Ontario into first place in tourism in North America.

Mr Sampson: Minister, you will know that part of your ministerial responsibility is to deal with the area of sport and recreation in Ontario. My colleague from Mississauga West and I are very strong supporters of recreation and sport in Mississauga. In fact, it's probably well known around here that I do actively get involved in supporting youth hockey as much as I can because I believe that's an important part of how youth develop in this province.

But helping communities support sports facilities is another important feature, I believe, of your ministry. In fact, this government has been very active in supporting things like renovations to recreational facilities in places like Mississauga, where we received a very much needed \$5.6 million to renovate hockey rinks and other sports facilities in the city that needed that work. I know; I've been there, and many of my son's hockey parents have been there as well. Tell us more about those programs, because they are helping Ontarians.

Hon Mr Klees: I'm pleased to speak to that. In fact, the sports aspect of this ministry is one of the areas that I'm particularly excited about. I too have a background in sports, and I believe that there is much more that our government can do to help amateur sports and to help sports in general.

The kind of support the member refers to—I too have been involved in my riding in announcing these kinds of grants—there will be a continuation on the part of our government to support this kind of event.

I will be in London this coming Saturday, where we have contributed some \$2.5 million to an arena there. There will be many thousands of people celebrating that kind of initiative that this government has provided.

We continue in this government to believe in amateur sports. We'll do, under my leadership, what we can to advance that.

ADOPTION DISCLOSURE LEGISLATION

Ms Marilyn Churley (Toronto-Danforth): My question is for the Premier. Premier, today adopted adults, birth parents and adoptive parents are here to protest your government's refusal to call Bill 77 for third reading. We want to thank all of the members from all three parties who have shown their support today and at other times.

Premier, my bill, as you know, is about human rights. It's about healing unnecessary pain and suffering. It's about saving lives. A recent study found that 77% of Canadians support such legislation. The Ontario Association of Children's Aid Societies supports Bill 77. The majority of your own caucus supports Bill 77.

I'm calling on you today to call Bill 77 for third reading and a final vote. Will you do that?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I'm sure the Minister of Community, Family and Children's Services can respond.

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I thank my colleague across the way for the question. This is a very important issue. We are concerned about this issue from the point of view of the adoptees and also that of the birth parents. We particularly understand the concerns about the access to medical records and the want, quite frankly, to know one's background.

Having said that, I do find it interesting coming from my colleague across the way who, when in government, had a seven-year waiting list for adoptees to find information about their parents. We have made tremendous changes on this side of the House since taking government in 1995. With an investment of \$2.4 million, we have changed that seven-year waiting list to one of only three months. So now individuals are able to find access to their records in a much easier and more comprehensive way.

Ms Churley: Premier, I'd like to come back to you. That was an outrageous answer. It was members from your party at that time who filibustered and stopped that bill from going through. Here we are all these years later. The gallery is filled with people from the adoption community who don't want to hear any more excuses from you, Minister.

I wonder, Premier, do you know that adoptees cannot access their own medical history until after they show symptoms of a fatal disease? Current laws make it im-

possible for adoptees and their children to take preventive action. People are dying as a result of these outmoded laws.

Dr Philip Wyatt, chief of genetics at the North York General Hospital, says that current adoption disclosure laws put the health of more than 300,000 Ontarians at risk.

Premier, this injustice has got to stop. Will you at least promise to take a look at the bill, have a discussion with me and the adoption community, and bring it in for third reading? Will you do that, please?

1430

Hon Mrs Elliott: I would like to thank my colleague across the way for the question. I was merely pointing out that our government has made a number of changes to try to respond to this very serious issue.

I also must point out to my colleagues here in the Legislature that there are some very serious privacy issues that must be addressed in order to solve this problem. There are still some outstanding concerns with regard to those privacy issues. Until those are addressed, I think it's not appropriate that we move forward.

Having said that, I have indicated to my colleague across the way that I am most prepared to work with her and with any colleagues in the House to address those concerns so that all feel their privacy concerns are protected.

EMPLOYER HEALTH TAX

Mrs Sandra Pupatello (Windsor West): My question is for the Premier. We have reports in the media that you received briefings from the Ministry of Finance warning you of shortfalls in the budget projected April 1. You had briefings as a Premier-elect before you—

Interruption.

The Speaker (Hon Gary Carr): Order. Would the member take her seat.

Order. We'll have to ask the people to leave. I would ask all the members in the gallery to kindly—we would like them to be able to stay. I do not want to have to remove everyone, but I will if indeed there are any more outbursts. I would ask all members to think of that. We've got people who have travelled to visit here and I do not want to have to clear the galleries, but I will have to if we have any more outbursts.

I apologize to the member for Windsor West.

Mrs Pupatello: Premier, we know you had briefings from the ministry a week before this order in council was signed on April 2. Yes, you were the Premier. You are suggesting today that perhaps you didn't know. Our question is, we kind of wonder what else escaped you in all of that time period, or what else you rushed to push through before your official April 15 swearing-in.

I want to ask you today what's really important here, and that is, are you prepared to rescind this order in council and put \$10 million back into the Ministry of Health?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Speaker, through you to the honourable member of the opposition, sarcasm will not help this situation. The reality is that in any briefing I had as the leader-elect of my party or of the government, while there was still an existing Premier—and there was a Premier; his name was Michael D. Harris—he was the Premier until April 15. You may not understand that, but you should, being a Liberal. You have a Prime Minister in Ottawa who says he's going to leave 15 months from now, but he still is the Prime Minister today.

I have never been told about this issue—

Interjections.

The Speaker: The member for Don Valley East, come to order, please.

Hon Mr Eves: I had no knowledge of this issue until it was raised in the Legislature this afternoon. I have never been briefed on this issue, nor do I know why I would be if I was given a briefing about the general financial situation of the province of Ontario.

Mrs Pupatello: My question has not been answered, and it's the most important question about this issue: that is, if you are prepared to rescind this decision, if you think it's fair that people should have mammograms on time, that they should get cancer treatment on time, or should the Toronto Raptors buy bobble heads with Ontario taxpayers' money? That ultimately is the question that we are putting at your feet, Premier. We want to know, just out of interest's sake for you. This decision, signed by your cabinet members, Premier, is retroactive to 1999.

Hon Mr Eves: The member for Windsor West stood up in this House no more than 10 minutes ago and said that I was the Premier when this was signed. She has now totally obfuscated that. She doesn't have the class to stand up and withdraw and apologize.

Interjections.

The Speaker: Could the Premier take his seat. The member for Windsor West, come to order, please. She has asked her question; it's now the Premier's turn.

Hon Mr Eves: To the member for Windsor West, she might want—talking about hypocrisy, sarcasm and integrity, I presumed that she was going to stand up today, or her leader was, and table his receipts for the last seven years, and every one of his 48 staff members for the last seven years. I know you'd want to do the right thing. Where are they? I don't see them.

HOME CARE

Mr Norm Miller (Parry Sound-Muskoka): My question today is for the Associate Minister of Health and Long-Term Care, and it's to do with home care. Minister, I know that our government has made significant investments in home care in Ontario, and I know this funding is making a real difference in the lives of people across Ontario.

Interjections.

The Speaker (Hon Gary Carr): The member take his seat. I apologize.

The member for Windsor West, this is your last warning. If you continue on, I'll have to ask you to leave.

The member for Parry Sound-Muskoka may continue.

Mr Miller: I'll start again, just in case the minister missed my question. It's to do with home care, and it's for the Associate Minister of Health and Long-Term Care. I know that our government has made significant investments in home care in Ontario. I know this funding is making a real difference in the lives of Ontarians across the province. Many of my constituents would like to know more about our commitment to the care of our loved ones in the event of serious illness.

Minister, can you reassure my constituents in Parry Sound-Muskoka that they will be able to receive the care they need at home?

Hon Dan Newman (Associate Minister of Health and Long-Term Care): I want to thank the hard-working member for Parry Sound-Muskoka for the question. The Ernie Eves government recognizes the challenges that families face when a loved one becomes seriously ill, or in any circumstance where they need medical support at home. That's why we are providing home care through community care access centres in our province. It is a major priority for our government.

The fact is, our government provides the most generous level of home care in all of Canada, approximately \$128 per capita, and it's something we're very proud of. We do this at no additional cost to families. Across Canada, six of 10 provinces charge co-payments for personal care as well as homemaking services. Sometimes up to 12% of the cost comes directly out of the patient's pocket. Fortunately, that isn't the case here in Ontario.

Mr Miller: I thank the Associate Minister of Health and Long-Term Care for that response. I'm sure these investments go a long way in providing quality care to Ontarians who need it, and greater peace of mind for families and loved ones.

Perhaps the associate minister could provide for this House some idea of how far we've come since 1995, and how we plan to ensure that the care is there for our growing aging population.

Hon Mr Newman: Again I thank the member for Parry Sound-Muskoka for his question.

Our government has worked hard over the years to help provide accessible home care services for the people of Ontario. Indeed, since we were first elected by the people of Ontario in 1995, we've increased home care funding by nearly 70%—an increase of nearly 70%. I think it's important to remind this House that those investments in health care were done without any dollars coming from the federal government. They are beginning to realize now that we as a government have made major investments in home care across the province.

I say to you today, Mr Speaker, and to the member from Parry Sound-Muskoka, that the Ernie Eves government will continue to work with our partners to help

provide our seniors and in fact our most vulnerable with the highest-quality health services as close to home as possible.

1440

AMBULANCE SERVICES

Mr James J. Bradley (St Catharines): I have a question for the Premier. Premier, the headline tells what's happening: "Ambulance Dispatch a Mess." In Niagara, we have had a terrible time with ambulance dispatch service. People have died because ambulances are not getting to the position of the patient on time. Your government kept hidden for several months a condemning report that said low pay, frequent turnover of staff, antiquated equipment, improperly trained staff, work overload and lack of knowledge of the street system have resulted in a real mess in ambulance dispatch service.

The regional municipality of Niagara, in exasperation at not getting answers from your government, has now offered to take over the service, with the appropriate compensation from your government. Will you now solve this problem by turning responsibility over to the regional municipality of Niagara for ambulance dispatch in Niagara and end these deaths and unnecessary delays?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I believe the Minister of Health has the response.

Hon Tony Clement (Minister of Health and Long-Term Care): I can certainly inform this House on the state of things with respect to the honourable member's question. The regional municipality has suggested verbally to me on a couple of occasions that they wish to put together a business case for the very plan the honourable member mentions. I have indicated to the regional chair that I'm interested in her submissions on this issue. I have not received anything in writing to date, but I understand they're working very diligently on a proposal.

Mr Bradley: All of this dithering and business cases and correspondence back and forth aren't doing anything for the dispatch service.

Let me give you one example. I personally know of four people, two who are today dead and two whose conditions were very bad as a result of the ambulance taking a long time getting there. I know of a myriad of other cases where the ambulance simply isn't going to the right place because the people dispatching don't know where to send the ambulance, and for the other reasons I mentioned.

Here's a person I know personally, or did know personally. On August 18, a 44-year-old man was at a party in Port Robinson when his car accidentally disturbed a wasp nest. He was stung several times and suffered an allergic reaction. A friend dialled 911 and was connected with the ambulance dispatch centre. The centre sent an ambulance from the Rose Avenue ambulance garage in Welland even though an ambulance and paramedic crew were ready at the much closer Thorold South garage on Allanburg Road. Given the geography of Welland and

the alignment of their streets, the ambulance from Rose Avenue had to travel south to find a way across the canal. I have little to say now, but it took the ambulance 18 minutes to get there. This person died as a result of that allergic reaction.

Others have died. Others have experienced genuine problems with health because of the ambulance dispatch service. Will you now do as the region asks, turn over responsibility to the region and end this mess?

Hon Mr Clement: I am aware of the facts of the particular case the honourable member has mentioned and I offer, as I have offered, my condolences to the family and friends of this individual. I also should inform the House that there is a coroner's investigation going on and we all anxiously await the results of that investigation.

I should mention to this House that on August 20 of this year, the Ernie Eves government and I, acting on its behalf, announced \$32.5 million toward enhancing emergency health services: \$29.5 million of that to maintain and improve ambulance response times, which was the tenor of the honourable member's question, and \$3.3 million going in particular to enhance ambulance dispatch centres. This is an issue this government feels strongly about and the Ernie Eves government has in fact acted.

MEDICAL SCHOOL ADMISSIONS

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question is for the Minister of Health and Long-Term Care as well. Health care remains the number one priority with Canadians and Ontarians. This government, through the Ministry of Health and Long-Term Care, has aggressively put in place new initiatives designed to increase enrolment in medical schools in our great province.

In our province we are blessed to have many outstanding universities offering students outstanding programs, including world-renowned medical schools. Minister, can you kindly inform the House of the new medical school spaces across the province that are a result of this government's commitment to providing Ontarians with the best possible delivery of health care services.

Hon Tony Clement (Minister of Health and Long-Term Care): I certainly thank the honourable member for Bramalea-Gore-Malton-Springdale for the question. Indeed, my honourable colleague is quite correct that the government is making great strides in investment in our province's medical schools. For instance, there are currently 692 students enrolled in Ontario's medical schools. This is an increase of 23%, or 160 new positions since 1999.

As an example I take the University of Western Ontario medical school. There are currently 133 first-year students enrolled in its medical school and this represents a significant increase since 1999. I'd also reiterate the Ernie Eves government's commitment to

providing northern Ontario with its very first medical school, set to open in 2004. That school will be the home to more than 50 first-year medical students, and that is certainly to be applauded as well. Some of these will be in Thunder Bay and some in Sudbury. They'll be taught in both locations as well as throughout the north, and this will mean greater access to medical care.

Mr Gill: Minister, yesterday I heard a member from the third party question the minister about the international medical graduates who wish to practise in Ontario. As my wife is an international medical graduate and I was not born in this country, this is a very important issue to me.

My great riding of Bramalea-Gore-Malton-Springdale, like this whole province, is home to many new Canadians. Many of these immigrants have medical training and experience from their former countries and wish to ply their trade right here in Ontario. I wish to ask the minister what initiative our government has taken to ensure these international medical graduates are able to practise in Ontario.

Hon Mr Clement: I can say for the record that unfortunately the former NDP government did nothing in this area, and indeed it was their former leader Bob Rae who admitted, and I'm quoting exactly now, "I was part of a political consensus that proved to be wrong." That's as close as you get to an admission of culpability from the former Premier.

In the last two years this government has had a new international medical graduate program that has more than doubled its number of positions to more than 50, and since its inception over 400 international medical graduates have completed the program. We also have a program where underserved communities requiring specialists can sponsor foreign-trained physicians in the IMG program and have the physicians set up their practice in their sponsor community following their graduation. This will mean that by the end of this year, more physicians will be available to more of our underserved communities. This is another example of the Ernie Eves government repairing the damage of previous governments.

EMPLOYMENT IN STURGEON FALLS

Mr Gilles Bisson (Timmins-James Bay): My question is to the Premier. The community of Sturgeon Falls awoke this morning to find out that their only employer, Weyerhaeuser, is going to be closing its doors on December 6. Is your government prepared to work with the union and the community in order to find a successor employer to take over that mill in Sturgeon Falls?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): We're always prepared to work with anybody on such issues. I will ask the minister of industry and trade to talk to the appropriate people. But you have to understand that there are only so many things that government can do, of course.

Mr Bisson: Premier, it seems that your government can do a lot more than you profess, because part of the issue here is that Weyerhaeuser is closing down its corrugated box plant in Sturgeon Falls and they're going to be operating their hydro dams. They've suddenly come to the conclusion that there's more money to be made in producing power as a private operator in Sturgeon Falls than there is in operating a plant that employs some 140-odd people.

Part of the issue here is that your own government policies are making it easier for Ontario firms that have hydro generating facilities to say, "Rather than operating a plant that employs 140 people, we can make as much, or more, money operating power dams in Ontario."

Are you prepared to back off your deregulation and privatization and allow the community of Sturgeon Falls to keep that plant going?

Hon Mr Eves: I refer the question to the minister.

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): I heard about the Weyerhaeuser closing today. I did not have advance notice of that. I understand that a number of jobs are involved. It's a matter of significant concern. The company, as I understand it, is concerned about the age of its plant and increasingly competitive global markets.

I'll certainly be prepared to talk to the member about it, get his information about it and get in touch with the company.

VISITORS

Mr R. Gary Stewart (Peterborough): I'd like to welcome Bob, Susan and Andrea Gallagher to the gallery. They are Carley's dad, mom and sister from Peterborough.

1450

PETITIONS

LONG-TERM CARE

Mr Dave Levac (Brant): I have a petition that is signed by over 1,083 constituents in my area.

"To the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid for by" senior citizens "and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable" citizens "more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We the undersigned petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I sign my name to this petition with enthusiasm and pass it over to Rachel, my page.

ADOPTION DISCLOSURE

Ms Marilyn Churley (Toronto-Danforth): I have hundreds of signatures again on adoption disclosure. These petitions read:

"To the Legislative Assembly of Ontario:

"Whereas in Ontario, adopted adults are denied a right available to" all "non-adoptees, that is, the unrestricted right to identifying information concerning their family of origin;

"Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child;

"Whereas these rights are denied to persons affected by the secrecy provisions in the adoption sections of the Child and Family Services Act and other acts of the province of Ontario;

"Whereas research in other jurisdictions has demonstrated that disclosure does not cause harm, that access to such information is beneficial to adult adoptees, adoptive parents and birth parents, and that birth parents rarely requested or were promised anonymity;

"We, the undersigned, petition the Legislature of Ontario to enact revision of the Child and Family Services Act and other acts to permit adult adoptees unrestricted access to full personal identifying birth information; permit birth parents ... and siblings access to the adopted person's amended birth certificate when the adopted person reaches age 18; permit adoptive parents unrestricted access to identifying birth information of their minor children; allow adopted persons and birth relatives to file a contact veto restricting contact by the searching party; replace mandatory reunion counselling with optional counselling."

I affix my signature to this petition once again, because I am in full support.

AUDIOLOGY SERVICES

Mr Bob Wood (London West): I have a petition signed by 771 people, which I wish to present on behalf of the member for Oak Ridges.

"Whereas on August 13, 2001, the Ministry of Health and Long-Term Care introduced a number of changes to the delivery of audiological services in Ontario, including the delisting of funded hearing aid evaluations and re-evaluations and the restriction of access to diagnostic hearing tests which have had adverse effects on the deaf and hard of hearing community,

"We, the undersigned, petition the Parliament of Ontario as follows:

"To reinstate delisted audiological services, including the assessment and reassessment of hearing loss, and to remove access barriers for consumers to the audiological profession in Ontario by considering alternative hearing testing capacity as recommended by the physician service committee and a new funding mechanism as recommended in 1998 by then Minister of Health Elizabeth Witmer."

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is part of a 20,000-name petition on Highway 69.

"To the Legislative Assembly of Ontario:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Eves government has failed to do so;

"Be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I give this to Philippe, our page from Sudbury, to bring to the table.

HOME CARE

Mr John O'Toole (Durham): This is a very unique petition I'm presenting today on behalf of my constituents of Durham.

"To the Legislative Assembly of Ontario:

"Whereas we, the undersigned, support the philosophy of caring for the elderly, the handicapped and the infirm within their homes and communities wherever possible;"—I support this—"and

"Whereas caregiving by paid professionals in the home is not always the preferred choice of family members; and

"Whereas we believe in some circumstances it is more reasonable and compassionate for the government to use the money assigned to professional caregivers to support those very family members who would prefer to remain at home to care for their relatives; and

"Whereas caregivers who work outside the home often carry an extra burden of guilt and anxiety when they leave their loved ones in the care of strangers while they go about their work;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to provide financial support to those residents of Ontario who choose to remain with their loved ones and care for them at home. And we respectfully ask that the Minister of Health and Long-Term Care and any other relevant ministries give full consideration to developing legislation and policies to support caregivers who care for their relatives in their homes" in their time of need.

I'm pleased to sign this petition on their behalf.

COMPETITIVE ELECTRICITY MARKET

Mr Tony Ruprecht (Davenport): I have a petition addressed to the Parliament of Ontario. It reads as follows:

"Whereas the Ernie Eves Conservative government has legislated the opening of the Ontario electricity market as of May 1, 2002, and the price per kilowatt hour for electricity in the province of Ontario has nearly quadrupled since May 1; and

"Whereas Ernie Eves has done a poor job in educating the public as to the ramifications of an open electricity market in the province of Ontario and has done little to punish the unscrupulous sales practices of door-to-door energy retailers; and

"Whereas the government appointed the board of directors for Hydro One who approved exorbitant salaries and compensation packages for Hydro One executives;

"Be it resolved that the Ontario government move immediately to protect our province's electricity consumers by addressing the serious generation problem in Ontario, by punishing unscrupulous electricity retailers and by moving forward with a rebate to offset the increasing costs of electricity in Ontario."

Since I'm in favour, I sign my name to this petition.

LONG-TERM CARE

Mr David Christopherson (Hamilton West): My petition is to the Legislative Assembly of Ontario and it reads as follows:

"Whereas the Conservative government increased fees paid by Ontario seniors and other vulnerable people living in long-term-care facilities by 15%, or \$213 a month, instead of providing adequate government funding for long-term care; and

"Whereas the Conservative government has therefore shifted the costs of long-term care on to the backs of the frail elderly and their families; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas in 1996 Ontario abandoned its minimum requirement of 2.25 hours of nursing care per nursing home resident; and

"Whereas the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

1500

"Whereas according to the government's own study, government cutbacks have resulted in Ontario seniors receiving just 14 minutes a day of care from a registered nurse—less than half the time given to residents in Saskatchewan; and

"Whereas the report also found that Ontario residents receive the least nursing, bathing and general care of nine other comparable locations;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Join the Ontario New Democratic Party in demanding the Conservative government eliminate the 15% fee increase for residents of long-term-care facilities, increase the number of nursing care hours for each resident to a minimum of three and a half hours per day, and provide stable, increased funding to ensure quality care is there for Ontario residents of long-term-care facilities."

I join my constituents in putting my name on this petition as well.

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): We have been overwhelmed with petitions from constituents angry about the Ontario Energy Board's approval of the Union Gas retroactive delivery charge. I will read some of them.

"To the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million;

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship;

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive

rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

These were sent to me from all across my constituency. These particular ones are from Thunder Bay, Dorion, Nipigon and Red Rock. I am very pleased to sign my name to these petitions and certainly will continue to present them to the Legislature.

CHILDREN'S HEALTH SERVICES

SERVICES DE SANTÉ POUR ENFANTS

M^{me} Claudette Boyer (Ottawa-Vanier): « Attendu que le gouvernement conservateur planifie la fermeture du service de chirurgie cardiaque à l'Hôpital pour enfants de l'est de l'Ontario...;

"Whereas the Conservative government plans to centralize all cardiac services for children in Toronto;

« Attendu que la chirurgie cardiaque ... est un service essentiel pour les enfants de l'est de l'Ontario et pour les enfants francophones de toute la province...;

"Whereas the lives of children may be at risk if forced to travel to Toronto for cardiac care;

« Et attendu que les enfants et leurs familles se verront imposer des dépenses et des soucis inutiles s'ils doivent se rendre à Toronto pour recevoir des services cardiaques...;

"We, the undersigned, petition the Ontario Legislature to demand that the Conservative government halt immediately its decision to close cardiac surgery services at the Children's Hospital of Eastern Ontario in Ottawa."

C'est avec plaisir que j'y appose ma signature.

NATURAL GAS RATES

Mr Pat Hoy (Chatham-Kent Essex): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

This petition is signed by a number of residents of Chatham and the Merlin area. Like all these petitions, I have affixed my name to it.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): Some more petitions on Highway 69, a part of the 20,000-name petition that we are submitting from Sudbury. It's to the Legislative Assembly of Ontario and it says:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so; and

"Whereas 46 people have been killed on Highway 69 between Sudbury and Parry Sound in the last three years; and

"Whereas already this year 10 people have died on that stretch of highway between Sudbury and Parry Sound;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

Of course, I affix my signature to this petition, and give it to Philip, our page, to bring to the table.

OPPOSITION DAY

EDUCATION

Mr Dalton McGuinty (Leader of the Opposition): I have an opposition day motion which reads as follows:

The Legislative Assembly of Ontario endorses Excellence for All, the Ontario Liberal plan for education, which will raise standards and guarantee better results, lower class sizes, increase access to quality child care and keep students in school until age 18.

The Speaker (Hon Gary Carr): Mr McGuinty has moved opposition day number 1. The leader of the official opposition.

Mr McGuinty: I rise with a great deal of pride and pleasure to speak about a plan which, I can tell you, our caucus has worked long and hard on. It has to do with improving the quality of education delivered to Ontario

children. It's as simple as that. It is something for which there is, I can say, a huge appetite today in the province of Ontario. It doesn't matter who you talk to; most people have come to understand intrinsically that there is something fundamentally wrong with the public education we are offering our children today, and people want to know what it is that we can do about it. So, unlike members of the government, we over here are not focused on meeting the needs of our friends or finding ways that we can advantage ourselves through government; we are focused on bringing about substantive and measurable improvement in public education in Ontario.

I can tell you off the top that our plan is ambitious, because we believe that we have to be ambitious when it comes to meeting the educational needs of our children. I can tell you that it is aggressive, because we think we have to be aggressive when it comes to reaching out for our young people. It is also very practical and very workable. It is based on much of the work that has been done here in some of our schools in Ontario as well as some of the very best experiences we have learned about in other parts of the world.

One of the things I want to talk about at the outset with respect to our plan is that it does something that no other plan of its kind has done in the history of this country: we make a specific commitment—in fact, we are offering a guarantee—that there will be measurable improvement in student achievement by the end of our first four-year term of government.

The results today are nothing less than sad when we take a look at what has happened when it comes to the standardized test results in the province of Ontario. After seven years of Tory government reforms in Ontario, our children are left in the unfortunate position where only half of them are meeting the basic standard in reading, writing and mathematics.

We are so confident in our plan, so determined to make a difference in learning for our children, that we are guaranteeing that by the end of our first four-year term of government at least 75% of Ontario students will meet that basic standard in reading, writing and mathematics.

In order to get there—because that is a very ambitious goal that we have set for ourselves and, more importantly, for our young people—obviously we have to put in place the kinds of conditions that will enable our children to learn better than they are doing today.

1510

So we would start at the very beginning. I am very proud of this particular component of our plan. It's all about bringing early childhood education into the 21st century, helping it to come of age in Ontario.

Science has told us for a long time now that the early influences that are brought to bear on a child from the age of zero to three, zero to four, have a profound influence on the ability of that child to succeed later on in life, academically and simply as a caring and productive citizen. What that means is that it's important for us to give every child in Ontario access to early childhood education. If we get the early years right, the child is set

for life. If we get the early years wrong, then of course that becomes a very expensive proposition for our society, to say nothing of—and this is the single most important loss—the loss of potential of that particular individual child.

So we, as part of our plan, have created something we call the Best Start plan, and it's all based on our vision for early childhood education in Ontario. Our vision is quite simply this: we think that early childhood education should become an integral part of public education in the province of Ontario; that every public school should offer early childhood education; that every public school should offer parenting support programs of one kind or another; that every public school should be seen as a community hub which links our early childhood educators in the community together and provides ongoing support.

In order to achieve that vision, we have to take it step-by-step. The first step is the one that we have outlined in our plan which we are calling Excellence for All. The first step on to our Best Start plan is the following. We are going to dramatically improve accessibility to quality, affordable, early childhood education in the province of Ontario. In fact, three quarters of all Ontario families with a child under the age of four will become eligible for our Best Start plan. We're talking about 330,000 children. That's a 450% increase over the number of children today in Ontario who are eligible for supports for early childhood education.

In order for a provider to be eligible under our Best Start plan, that provider would have to do three things. The provider would have to first register with the plan and, secondly, have to undergo a simple background check. Thirdly and most importantly, that provider would have to participate in ongoing education, ongoing training in early childhood education, thereby benefiting not only the provider but, most importantly, the children who have come to spend the day with that provider. So that is talking about what we need to do at the very beginning.

The next thing that we will do within traditional public education is reduce class sizes from junior kindergarten through to grade 3. We've got an average class size of 25 today in the province of Ontario. We would provide for a maximum class size of 20 in the early years, JK through to grade 3, kids between the ages of four and eight. Why that is so important is because children in larger classes tend to be overlooked. Their individual problems can be overlooked. They can fall through the cracks, so to speak. We are going to ensure that our children have the individual attention that they need in order to succeed.

Things are so bad today in Ontario that there are over half a million kids in classes of 26 or more. That is unacceptable and parents will tell you in countless cases today that their children, whether they are fast learners or children who are having difficulties keeping up—in both instances they are crying out for more individual attention for their children. Studies tell us that kids who get more individual attention in the early years, JK through to grade 3, tend to perform better academically, not only

in those years but throughout their elementary, high school, college and university years of learning. It makes a huge difference.

After we have dealt with smaller classes, we also believe that we should have more and better training opportunities for our teachers. One of the untold stories connected with teaching today in Ontario is the staggering number of teachers who are leaving the profession in the early years. Estimates are as high as 30% in terms of the number of teachers who quit within their first five years of teaching. We simply cannot afford to lose young teachers. We're already challenged by teachers leaving at the earliest possible opportunity. We've got to close the door at both ends by making it more attractive for teachers to stay in Ontario and continue to teach here.

One of the things we have to do upfront is to provide for teaching mentors. These are experienced teachers who will have some time made available to them so that they can devote it to spending time with young teachers. I can recall a particular time chatting with a young teacher in a Toronto schoolyard, who said to me, "There goes"—we'll call her Mrs Smith—"Mrs Smith. She's a very experienced teacher, having taught for some 25 years." The young teacher said to me, "You know, I would give anything just to spend a day or two at the back of Mrs Smith's classroom, to learn from her because she's such a good teacher." We have to create more opportunities for our young teachers to continue to learn. To use some of the jargon, what we've got to do is turn public education into a learning organization. You can't just finish teachers' college, then go into a classroom and stay behind your closed door and teach your students day in and day out. There have to be opportunities for you to learn and constantly hone your skills so that you can become a yet better teacher.

The other thing we're going to do, I am proud to say, is something we've talked about before, but it's included in our Excellence for All plan. We're going to have a program called a lighthouse program. A lighthouse program is all about ensuring that some of the very best practices that are extant in public education today, some of the great things that are happening inside our public schools today, are shared with other schools.

Let me give you an example. I visited St James High School in Guelph. I met there with a young phys-ed teacher. His name is Steve Friesen. I went to see him because it turns out he's got the highest rate of enrolment in phys ed in the province. I went in and I said, "What the heck are you doing that makes young people want to attend phys ed in your school?" He's seen such dramatic improvements, he's taken his rate of enrolment from 20% to 60% and he's taken intramural participation from 60 students to 1,200 students.

When we're thinking about this kind of thing, we should think about growing rates of childhood obesity in Ontario. I think of my own four children between 16 now and 21, who spend far too much time either sitting in the classroom, in front of TV or in front of a computer. We

have to find more opportunities for young people to become physically active.

There are some wonderful things that that young man has done in that school which, by the way, didn't cost that school one extra penny, which we should be sharing with other schools around the province. Our lighthouse program would provide some additional funding to that school in order for that school to share that best practice, for example, to free up Steve Friesen to go spend a bit of time in some other high schools, for them in turn to acquire that experience and for them in turn to share with others. That way we can make success contagious within the public education system.

Another thing we want to do as part of our Excellence for All education plan is to provide for the creation of turnaround teams. Turnaround teams will be given the special responsibility to help out schools that are struggling. Some of our schools are falling behind for a variety of reasons that are both endemic to their milieu but, most importantly, because we've got a government here that doesn't care, that's writing them off. One of the fastest-growing education industries today in Ontario is private tutoring. It's no wonder, because our public schools aren't getting the level of support they need in order for all of our children to succeed. Those schools that are struggling would be provided with some assistance by some people who are expert educators and administrators, who would go in as part of a turnaround team, meet with the administration and teachers and prepare some kind of a plan on the ground with them to bring about better improvement in learning and in teaching that takes place at that school. This is not by any means an effort to punish schools that may be experiencing some difficulties. It's a genuine effort to reach out and help schools that might be falling behind.

1520

We believe our public education system and individual schools must be accountable. We believe that individual schools should be inspected on an ongoing, regular basis, but we also believe that a school should be compared against itself. What we should be looking for is improvement year over year. We will do whatever we have to do to ensure the necessary supports are there.

The other thing we are very proud to include as part of our plan in Excellence for All is learning until 18. As you know, we've got a law on the books today in Ontario that's been around for I'm not sure how long, 50, 60, 70 years maybe, that says that when you reach 16, you can quit school. I'm sure even the young pages here involved in grades 7 and 8 understand the importance of completing high school, of going on as far as you possibly can in education in order to find success in life.

What we're going to do is require that all young people continue to learn until reaching the age of 18. There's an exception: if you happen to graduate from high school before that time, then you're no longer required to be in an official learning environment, although obviously we would strongly encourage you to go on as far as you possibly can. We're saying to all those thou-

sands and thousands of young people who have traditionally dropped out of high school, "We're not giving up on you. We need you. Our economy needs you. It's very important for us that you be able to achieve your greatest potential, whatever that might be."

So we are going to create a new, meaningful high school diploma that marries the traditional classroom experience with learning outside the classroom; for example, in a co-op or apprenticeship program. That way, we are convinced we will create the kind of learning experience that is simply not there today and that will make it much more attractive for young people to stay in school. Don't get me wrong: I'm all for rigorous standards, but I understand that kids aren't standard. That's the important distinction we have to draw in our minds.

My oldest, Carleen, is in third-year university. She's very adept when it comes to the arts—history, English, languages and the like. My son is in first-year sciences. He's an expert when it comes to numbers. My third is absolutely superb when it comes to Nintendo and Gameboy. The point I'm making here is: different strokes for different folks. Public education must be able to ensure there are different pathways for young people to find success. It's not a question of reducing standards. It's a way of ensuring that there are sufficient numbers of pathways that recognize the differences in our young people. That's what it's all about.

Of course it's very important to us as Liberals that our schools be a safe learning environment for young people, so part of our plan is to ensure we have safe schools. We're going to require that schools offer anti-bullying programs. We'll require there be a school safety hotline in place so that young people, parents and anybody who feels they have information they want to share or a question they're maybe embarrassed to put in the school environment itself can do that with the confidence of knowing it will remain anonymous through our school safety hotline.

One of our intentions, given that we are so ambitious for public education and for our young people, is to ensure we are doing much more than simply churning out good workers. Of course we want good workers. It's a knowledge economy. We understand that the best workers get the best jobs at the best pay and enjoy the highest standard of living and make the greatest overall contribution to our levels of productivity.

That's great. We want that from our schools, but we want more than that. We want good citizens. In order to get good citizens, these are young people who have to be exposed to a well-rounded education. So we believe that good public education in Ontario at the beginning of the 21st century means that, in addition to numeracy and literacy skills, young people have to be exposed to music, art, phys ed, drama and the full range of extracurricular activities which make for, at the end of the day, a well-rounded education. Our commitment to public education is going to guarantee that the young people of Ontario are exposed to a well-rounded education.

I know this is not going to be an easy thing to do. I understand that. My youngest, Connor, is in grade 11. At the beginning of the year I said, "Are you taking phys ed?" because Connor is a real computer nut. He's on the darn thing all the time in his spare time if he's not at his part-time job. He said, "I don't have any time." I said, "Let's take a look at this stuff together here." Once we factored in all the subjects that he had to take in order to be able to go on to meet the entrance requirements for certain university programs, he was right. There was no opportunity within the curriculum as it exists today for him to take a bit of phys ed or, had he wanted to, a bit of art, music or those kinds of things. I think that's a real problem.

One of the things we are going to do in order to be able to better address this problem is we're going to create a brand new body. I think it's high time that we have done this in Ontario. It's called a curriculum council. I want to give credit where credit is due in this regard: I got this idea from Gerard Kennedy, my education critic, who has been very active on the education front.

The curriculum council would actually consist of front-line people—teachers, principals and others—who would be given responsibility for planning and implementation of curricular changes. Right now, curriculum—and I say this, I think, with respect to all governments of all political stripes—can become a bit of a toy for the political ideology of the day. It causes tremendous challenges for teachers, to say nothing of what it can end up doing to our young people if there has not been an independent body in place that understands government retains the right to give policy directives with respect to curriculum, but then has a profound understanding of how it works inside the classroom and then is given specific responsibility for planning and implementing curriculum changes. We'll be calling upon our new curriculum council to help us ensure that our intentions are given the force of life; that is, a well-rounded education with opportunity for exposure to all those kinds of things I just talked about, which we believe are essential at the beginning of the 21st century if we're going to have a progressive education system.

We're going to doing something as well under the Excellence for All plan which, given recent history, will be truly revolutionary. We're going to respect and support Ontario's teachers. It should hardly be revolutionary, but sadly it is. I have just talked to too many teachers—and these are young people filled with a powerful sense of idealism—who have decided to go into teaching because they just want to make a difference in the lives of young people. That is pretty powerful motivation, but we've put them into such a corrosive environment it has robbed them of their idealism and it cannot help but have an impact on our children.

We intend to support and honour our teachers. We intend to put in place greater and better learning opportunities for our teachers. I've heard from too many young teachers who have told me independently that they

are embarrassed in a social setting to admit they are teachers in Ontario. Think about it: it's a knowledge economy and those people who impart knowledge to our children in too many cases are ashamed to admit they're teachers. There is something fundamentally wrong there.

To relate another personal experience, my youngest sister, a teacher, is teaching in Germany this year. She taught there last year, and for a couple of years before that she taught in the United Arab Emirates. She comes home at Christmas and she comes home for summer.

1530

When she first told me she was leaving, I said, "There's no darn way you're leaving. You're a good teacher. Your principals told me that, your kids' parents have told me that and I can see it in the eyes of your students. Don't you appreciate everything the province has done for you?"

She said, "Yes, I do, but I'm not sure my province appreciates everything I'm doing for it." She tells me that when she's over there in other parts of the world where she has been teaching, when she tells people that she's a teacher, they put her on a pedestal. "You impart knowledge to our children. It's a knowledge economy. How can we help? You're important to us in our society and to our kids." We have to restore that sense of honour to the teaching profession. That's not only the right thing to do for our teachers, but it's the right thing to do for our kids, ourselves and our society. We look forward to doing that.

Some people ask, "I understand you're going to put \$1.6 billion into public education as part of your plan. Where are you going to get the money?" That's an important question. First of all, let me say that when we talk about putting money into public education, it has to be seen for what it is: it is an investment. Enlightened self-interest demands that we see it for what it truly is. It is an investment that will pay off not only for young people but for all of us. It's an investment in a brighter future, a healthier, more prosperous economy, a better and more productive citizenry, strong workers, and on and on and on.

Investing in our Excellence for All plan will simply come about by virtue of the fact that we have different priorities than this government. This government wants to put half a billion dollars in private schools. We think that is nothing less than shameful. We think that with public education on its knees, if there is a penny available for education in the province of Ontario, it ought to be invested in public education.

This government wants to put another \$2.2 billion into tax breaks for large corporations. We disagree with that policy. We will rescind that tax break, and instead we will have that money available for our priorities, including public education.

We will also ensure that all savings found within public education are reinvested in public education. For example, with the elimination of grade 13, the OAC year, that's going to free up some hundreds of millions of dollars. Unlike this government, which would waste that on tax cuts, we would reinvest that in public education.

There also happens to be a terribly wasteful, bureaucratic exercise connected with assessing special education children which is costing \$50 million a year. We would eliminate that program. We would vest that assessment responsibility in those people on the front lines, teachers and people who work with the boards, and we would rely on their best judgment. We will fund accordingly and audit occasionally on behalf of taxpayers—we do believe in accountability—but we will free up that \$50 million and make that available for investment in public education; more specifically, to ensure that the needs of our young people who have special learning needs are in fact being met.

The other thing that we're going to do in government is finally make my private member's bill, twice introduced in this Legislature—we're going to make it law. It's a bill that is going to ban the use of taxpayer dollars for partisan, political advertising. So far, this government has spent over \$250 million—that's a quarter of a billion dollars—on wasteful partisan political advertising. It's time to bring that to a grinding halt and make that money available for good public purposes, like public education.

I have said it many times over, but if I could stand for nothing else as Premier, I would stand for education. I happen to believe that if you get education right, most everything else seems to line up. Young people who receive a good public education turn out to be the best workers, the best citizens. They take responsibility for the welfare not only of themselves and their families but of their communities. They tend to be healthier.

So much can be founded on public education, and that's why we, as Liberals, are so committed to supporting public education. That's why we, as Liberals, are so ambitious for our children. That's why we provided a specific guarantee of measurable improvement. That's why we're bookending public education the way it should be bookended today in the early 2000s, starting with early childhood education and continuing with learning right through to 18.

I have had the opportunity to talk about this a great deal through talk radio and a variety of speaking opportunities, and people are very excited about the fact that there is a political party that is genuinely committed to public education for all the right reasons. So I commend this to you, Speaker, and I commend this to those of our viewers who have had the opportunity to learn more about our plan, Excellence for All. They can always get a copy of this plan through our offices and through any of our MPPs. It's an exciting plan. Public education does not have to be the way it is today. There is a way for us to turn it around and ensure that all our children have a bright and prosperous future.

The Acting Speaker (Mr Michael A. Brown): Further debate?

Ms Shelley Martel (Nickel Belt): I'm pleased to participate in the debate today so I can highlight the NDP's bright idea for \$10-a-day child care in Ontario. Speaker, you will know that that proposal comes as an integral component of our document, A Brighter Idea for

Education, which we released the day that school started in September. We do recognize that education is lifelong, so we need to invest in the earliest years of our youngest and we need to invest right through to adult education.

We do accept that what Fraser Mustard and Margaret McCain had to say in the Early Years Study was that ages zero to six are a crucial part of learning and of children's development and that what we teach to children in the years zero to six will either equip them or deprive them of the very skills they need in order to meet the rest of life's challenges.

The regrettable fact is that this government has yet to accept that basic fact and reality, and instead has spent much of its time undercutting and undermining the very programs we need to support early learning. For example, this is a government that cancelled the 12 Early Years projects begun by our government and slashed funding for junior kindergarten and made it voluntary for school boards to provide. This is a government that cancelled funding for full-day kindergarten. It's a government that has cut regulated child care funding by 15%, thus putting many of the early learning programs in regulated child care at risk and also leaving Ontario families with the highest cost of child care in the country. This is a government that has left many families, both full fee-paying families and families looking for subsidies, on a waiting list.

When we shortchange our kids, that is really short-sighted. When we invest in early learning programs, that really pays off for everyone. Above and beyond the work that McCain and Mustard did, you can look at a 25-year study called the Perry Preschool Project that was done in Michigan, which tracked younger students right through to age 25. It showed that every dollar that had been invested in education in the early years saved \$7 in the form of lower dropout rates of those students, a lower social assistance rate, a lower crime rate. You only have to look at that to understand why Ontario should be adopting a comprehensive plan to support families in the early years. That is what occurs in our document.

I want to go through some of our proposals for the viewers who are watching today. First, our plan says very clearly that we will invest in junior kindergarten and senior kindergarten, we will make JK and SK full day and we will fund school boards in this province to make that mandatory so they can deliver that for parents.

We also very clearly say, with respect to the child care portion of early learning, that we want to do a number of things. First of all, which is pivotal, \$10-a-day child care for parents whose children are currently in regulated, not-for-profit settings, ages two to five. We do that because we know that 55% of parents in this province pay full fees. Those families deserve to have a break on their child care too, not just families who make under \$25,000, as is proposed in the Liberal plan. If you're going to make child care affordable and accessible, you've got to deal with child care costs for those who are paying full fees.

1540

Those who are paying full fees in this province are paying the highest full fees anywhere in Canada. We know that child care costs in this province have increased 62% since 1997. We want to do something for those parents, middle-income parents, even if the two of them are working. We want to do something for their fees too because we want to make sure their children have access to a high-quality early learning program as well. That is a model that has been adopted in Quebec, where parents, regardless of where they live, regardless of their income and whether or not they're in the workforce, are entitled to have child care at \$5 a day. The government picks up the cost.

We think that our model of \$10 a day will make child care accessible for all Ontario families, not just those families who earn less than \$25,000, and will be much more in keeping with what Fraser Mustard and Margaret McCain have said: that early learning programs should be accessible to all families—not just high-risk families, not just low-income families—in Ontario. That's why we're going forward with the proposal for \$10-a-day child care: \$10 a day paid by the parents, the government of Ontario picking up the rest of those costs.

If you look at the next proposal, that has to do with the creation of new spaces. I look back at what our government did. We created about 18,000 new child care spaces during our time in government, over that four-year period. So we think it's quite reasonable to say to the public that we believe we can create 20,000 new \$10-a-day spaces in the first mandate of the government.

Those spaces would be created in not-for-profit home- and centre-based care—not for profit. That's a clear difference between our plan and the Liberal plan as well. We are not interested in supporting the for-profit child care sector. We have had a long policy in our party that supports not-for-profit child care. When we were in government we followed that and it is our intention, in our document and with this plan, to ensure that those spaces that are created, those spaces that move down to \$10 a day, will be in not-for-profit centres and not-for-profit regulated home settings.

Municipalities can participate in that in the creation of 20,000 new \$10-a-day spaces, we certainly anticipate that the municipalities that now pay 20% of subsidized spaces would actually use some of the money they have on hand. In Toronto it's some \$3 million right now. The city of Toronto would then add on to the \$10 a day to reduce the fees even further for those parents if it decides that they need some subsidized spaces out of the 20,000 new spaces.

So the municipalities have an important role to play. We know the city of Toronto has set aside, for at least three years now, \$3 million to add new subsidized spaces. We say to the city of Toronto, "You can participate in this plan. We will ask you to add your subsidy to the \$10 a day that those parents are now paying. You can reduce that even further and ensure

there will be parents who will only continue to pay \$2 or \$3 if that's all they can afford."

The third piece of this is that for those parents who are already receiving a subsidy, whether it's \$2 or \$3 a day, and that's about 45% of all parents who use regulated child care in the province right now, we are going to maintain those subsidy levels. So if they're only paying \$2 a day, that's what they're going to continue to pay under our plan. If they're paying \$3, that's what they're going to continue to pay under our plan.

We recognize that there are many people who can't afford to pay more. However, those who are receiving a subsidy under the current subsidy system deserve to have that subsidy system reviewed. We know that this government particularly has made it very restrictive for parents who are trying to return to school to actually get a subsidy. We are saying very clearly that if you already have a subsidy, we will continue to maintain it. There will be a full review of the current subsidy system to make it less intrusive and much more fair, especially to those parents who are trying to access education themselves at either the college or university level.

We also made it very clear in our document that we want to change the education funding formula so that schools that have child care centres are not penalized for having those centres. Under the changes this government made to the Education Act, child care spaces in schools can't be counted as education space, so we've had the scenario where many schools have gotten rid of their child care centres because they couldn't afford to maintain operations in their schools under the funding formula. So we will be amending the education funding formula so that child care space in schools will again be counted as education space for the purposes of school funding. That will make it much easier to increase new spaces in school-based settings.

If you go back to the Mustard and McCain report, you see clearly that one of their focuses was to have early learning centres in schools. If we amend the education funding formula—and we are the only ones proposing to do that—then schools again will have a very clear incentive to have child care centres in their facilities. We also will be making a change, as we did when we were in government, to say that all new schools built will have to have child care centres in those new schools.

Let me deal with capital funding, because our plan, again, is the only one that talks about capital funding and an investment. We know that this government, for the last seven years, has not had capital funding for child care centres—not for renovations, not for new child care spaces etc. We propose to change that. When we were the government we did provide capital funding for the creation of new schools and for the renovation of others. Our plan talks about capital not only to repair those existing centres that have had a very difficult time because there hasn't been capital funding from this government, but there will be funding as well for new child care centres. We hope that much of that would be

used for renovations in schools to allow those new spaces and new centres to open in schools.

Let me speak about staff as well, because we are not going to have a high-quality system of child care if we don't do something about the level of pay for staff in regulated child care. This is a government that has capped proxy pay equity to child care workers since December 1998 and has forced regulated child care centres to find within their own budget, through fundraising or raising fees, the money necessary to pay proxy pay equity. When we introduced proxy pay equity, our government paid proxy pay equity to non-profit agencies that provided child care and we will do that again because we know that non-profit centres are having a very difficult time trying to meet that commitment right now. In fact, many of them are closing because they can't meet it.

The other thing we need to do is deal with wage enhancements, because this government has frozen wage enhancements for child care workers since they have been the government. Our government increased wage enhancements by \$40 million when we were the government. We doubled the pay that was going to some of the lowest-paid workers in the province of Ontario. This government has frozen enhancements. In our plan, in our document for early learning, we are committed to dealing with that very serious problem and increasing the pay of child care workers. So there will be wage enhancements once again provided to not-for-profit child care centres and centre-based care under this plan.

We also know that family resource programs which don't offer, most of the time, non-parental care are very important access points for any number of families where moms are staying at home and where moms are looking after child care directly themselves. Our plan also calls for an investment in the existing family resource program network in the province of Ontario so that we can expand that system. We have to have in place the supports, the important early learning programs for any number of parents who make a decision to stay at home, not work and not require care. If they don't want to require care, we should have in place those community-based agencies that will deliver high-quality parental training programs, nutrition programs, breast-feeding programs etc. So our plan also calls for an investment in family resource programs, the existing network in the province of Ontario.

I mentioned the full-day JK and SK and funding for school boards. Unless we provide school boards with the actual funding to make that happen, they are not going to have the programs. We have seen that in the last number of years where it hasn't been mandatory to have those programs and where the government hasn't provided targeted funding for JK and SK. If we are going to do that—and we believe that's a critical part of early learning—then we've got to put the money on the table and provide that to school boards so that it can be done.

If I look at the importance of our plan, I think that we have a very comprehensive plan for early childhood development. I think it's one that supports Ontario families'

access to early learning wherever they live, whatever their income, whether they are working or not. It makes an important investment in high-quality regulated child care in the non-profit sector in particular, because we know that non-parental care is absolutely critical to early childhood development.

1550

One of the major and outstanding criticisms that has come in the second report that has been released by McCain and Mustard, a report called *Early Years Study Three Years Later*, and I'm just going to read on page 31:

"The need for expanded quality non-parental care surfaces in all reports generated in the community and was identified as a need in the Early Years Task Group interim report. It is not possible to implement early childhood development programs in the 21st century without also providing non-parental care. In Ontario the majority of preschool children (more than 70%) live in two working-parent families or in lone working-parent families. In view of the socio-economic changes in today's societies, referred to at the beginning of the report, it is not possible to develop effective child development and parenting programs that do not also include non-parental care including respite care."

That's what our plan is all about, and that's what we want to do. My colleague Mr Marchese is going to be very specific about where the money is going to come from to do that, although I can tell you in this piece that we have always said that this government should use a significant portion of the federal ECDI money that it receives to support regulated child care and family resource programs. The government received \$114 million last year from the federal government for early childhood development and didn't spend a penny on regulated care. The government received another \$152 million April 1 of this year and I suspect didn't spend a penny of that on regulated child care either, although the minister has refused to provide us with a list of what the money was actually spent on.

In conclusion, let me say we've got a comprehensive plan. I think it makes child care accessible and affordable for all parents in Ontario, not just parents at lower incomes. We think \$10-a-day child care is a bright idea whose time has come.

Mr Ted Arnott (Waterloo-Wellington): As parliamentary assistant to the Minister of Education, I am very pleased to have this opportunity today to speak about how our government continues to make progress in our efforts to strengthen public education in Ontario, to build upon the existing strengths in our schools and focus our efforts on constant improvement which benefits students. Surely that is the goal or should be the goal of all members of this House.

First of all, I want to introduce two guests who are in the gallery today just by coincidence who have joined us here. Louise Ervin is the president of the Ontario Catholic School Trustees' Association, and she is joined by Carol Devine, who is the director for public affairs

and media relations. I would ask all members to welcome these two individuals to the House this afternoon.

As of this September, the province-wide standardized curriculum is in place for every grade, and our last class of OAC students will graduate at the end of this school year. These are the most obvious examples of an education system that has changed fundamentally over the past seven years, not without issues and challenges but also with many successes and achievements.

When our government was elected in 1995, we made a key promise to Ontarians. We promised to reform and improve Ontario's education system, to make it more equitable, more responsive to students' needs and more accountable to parents and taxpayers. We are keeping our promise.

Our government's comprehensive plan to reform the education system and improve student learning and achievement is helping to ensure that all our students, regardless of where they live in the province, are educated in an effective, safe and respectful learning environment.

We have established a new curriculum from kindergarten to the end of high school that sets a high standard for student achievement and excellence. We have introduced province-wide tests that report regularly on how successfully students and schools are performing. We have developed strategies that respond to test results, such as the early reading strategy and the early math strategy, to help our students gain the fundamentals for success in future learning.

We have introduced a number of initiatives to ensure the safety of our students in our schools, and we've put in place a comprehensive program for teachers' ongoing professional development to ensure that they have the most up-to-date skills and knowledge and are able to apply these effectively in the classroom. This plan is working. Student achievement is improving.

It's essential that we continue to build on these steps, and we are doing so. Within two days of being sworn in, Premier Eves demonstrated that education is a clear priority for his government. He announced that \$65 million more would be given to school boards for new textbooks and technology-based learning materials. Two weeks later, the Premier and the new Minister of Education, the Honourable Elizabeth Witmer, announced that \$25 million would go toward expanding the early reading strategy and introducing a new early math strategy. Two weeks after that, our government committed to increasing funding for Ontario's schools by \$350 million for the upcoming school year. Last June's provincial budget built further on this investment and announced another \$117 million in new funding for Ontario's schools.

If you add all of that up, since April, our government has announced \$560 million in new spending for Ontario's schools and school boards. This school year, Ontario will be spending a record \$14.26 billion on publicly funded education. That's a 2.9% increase over 2001-02. Almost all school boards will receive more money, even though more than half of them will have

fewer students. This significant increase means that our schools will have access to more of the resources and tools that they need to provide a quality education to students. It means that Ontario's students will benefit from greater learning opportunities.

As well, four years ago our government introduced a student-focused approach for publicly funded education. The purpose of student-focused funding is to ensure quality education and equality of opportunity for all students, no matter where they live in the province of Ontario.

While the funding formula has accomplished a great deal, Ontarians have also told us they want improvements where possible. Our government has listened to these concerns. In the throne speech we announced that Dr Mordechai Rozanski, president of the University of Guelph, would lead the Education Equality Task Force in a review of the funding formula. Dr Rozanski is carrying out his review in several stages, and he has been gathering input through stakeholder meetings, public consultations and submissions on the best way to fund school boards.

It's also worth noting that the requirement for individual school boards to balance their budgets has been part of Ontario's education system since 1933. Despite the fact that our government has put more money into the system and responded to concerns about the funding formula, this fall three of Ontario's 72 school boards unfortunately refused to live up to their financial and legal obligations. The government acted to bring stability to the education of children in these communities by sending in investigators to review each board's finances and to assist the boards in meeting their financial obligations to ensure that the schools would be open in September for students. When the three boards refused to consider the investigators' advice, our government's responsibility was clear. Supervisors were appointed to prepare and implement a plan to return each board to a balanced financial position.

Another important objective we've been addressing is the provision of effective student accommodation. Currently, Ontario's school boards own and operate about 5,000 schools, with some 250 million square feet of floor space. The total value of these facilities is estimated to be more than \$25 billion. Within our funding formula there is provision for a pupil accommodation grant. This annual grant gives school boards both the resources and the flexibility to operate, maintain and upgrade existing schools and to build new schools where they are needed.

In May, the Minister of Education, the Honourable Elizabeth Witmer, announced that the grant for school renewal would be \$241 million for 2002-03. In the budget, an additional \$25 million was added, for a total of \$266 million. We also committed \$6.5 million toward replacing nine schools that were identified as having unfeasible repair costs. A further \$17 million will be invested over two years to assess school renewal needs across the province and to identify the most pressing investment priorities.

Our government understands that in reviewing and maintaining Ontario's schools, we are not only protecting an important public asset, but we're also ensuring a safe and healthy learning environment for our students. A healthy learning environment also includes ensuring that our young people gain the knowledge and learn the skills that they need to be successful. In today's competitive world, it is our responsibility as a government to prepare students for the challenges of the future by setting high standards of achievement and providing the support they need.

Parents across Ontario told us they wanted a more rigorous curriculum with specific, clear and consistent standards province-wide. Again, we responded. From the new kindergarten program through the elementary grades and to the new high school program, the new curriculum focuses on the basics of reading, writing, math and science, and on helping students acquire the knowledge and skills they will need for the future.

1600

The new curriculum has met with considerable success. Provincial, national and international results show that our students' knowledge and skills are improving. However, we are also aware that some students need extra assistance to master the higher standards of the new curriculum, and we are committed to helping them.

For 2002-03, student-focused funding will flow a projected \$496 million to boards to help these students, including over \$293 million through the learning opportunities grant, which includes \$25 million for grades 7 to 10 literacy and math programs; more than \$168 million through the language grant for English as a second language; almost \$16 million through the language grant for French-language students; and over \$18 million through the continuing education and other programs grant for such programs as summer school.

A number of education stakeholders have expressed concerns that the new high school curriculum for applied courses may be too challenging for some students. Our government is fully committed to finding ways to ensure that students who are struggling get the support they need so that they too can experience success. The ministry will be working to address these issues with education partners in the coming year. We will be seeking ways to ensure that students obtain the skills they need for employment and post-secondary opportunities.

I mentioned a moment ago that test results show Ontario students are responding positively to our new curriculum. I think it's important that I elaborate somewhat on that point.

Regular assessment of progress and learning the curriculum is a key part of the government's plan to improve student achievement. We all need to know if the education system is providing the consistency and quality we all want for our children. Ontario students are now regularly assessed in reading, writing and math in grades 3 and 6 and in grade 9 math. During the last school year, the grade 10 literacy test was administered for the first time as a requirement for high school graduation.

The results of provincial, national and international tests all continue to provide evidence that our students' knowledge and skills are improving. For example, the latest results of the grade 10 literacy test show that 75% of English-language students who wrote the test passed in both reading and writing. This is an improvement from 68% last year. Sixty-seven per cent of French-language students who wrote the test passed the test compared to 54% last year. Ontario English-language grade 3 students reaching the provincial standard in math increased from 43% in 1998 to 61% in 2001, while French-language grade 6 students meeting the provincial standard in math rose from 55% in 1999 to 60% in 2001.

Students, teachers and parents are all to be congratulated for these significant achievements. These results make it clear that our government is succeeding with an education agenda that focuses on students, on learning and on results. Province-wide tests are a valuable tool for determining where there are problems and how we can best address them to help students.

Last year we learned that only 49% of grade 3 students were achieving the provincial standard in reading. In response, we launched the early reading program to improve the reading skills of children from junior kindergarten to grade 3. To support this strategy, the government invested \$29 million. In May our government announced that we would invest \$25 million to expand the early reading program to grade 6 and establish a new early math strategy to help raise the level of math achievement of students from JK to grade 3. In the budget, our government announced a further investment of \$5 million in 2002-03 to extend the early math strategy to the grade 6 level, and to enhance the teaching skills of elementary school teachers in this area.

Our government is also moving into phase two of the support for schools that need extra help program, a component of the early reading strategy that provides additional support to a select number of schools to improve the reading performance of grade 3 students.

In the fall of 2001, 16 schools were selected by a steering committee, with input from local school boards, to participate in phase 1 of the program. Last week, the Ministry of Education announced an additional 14 schools which have been selected for phase two.

To further support improved student learning, the June budget announced the creation of a student achievement fund. This program is just one more way in which our government is working toward school excellence and higher student achievement.

Students with special needs are also an important priority of this government. We want to foster an education system that has the flexibility to meet individual needs and that is focused on achieving the best outcomes for all students across the province. Funding for special education has increased by over 17% since 1998-99, to more than \$1.37 billion for the year 2002-03. We are continuing to implement our multi-year plan to improve accountability and quality standards in special education. In this fiscal year, our government will also allocate \$10

million in capital funding to upgrade provincial schools for children with disabilities.

But to make the most of all these programs, we need to ensure that our teachers are the best. Ontario has many excellent and dedicated teachers, who work tirelessly for the noblest of purposes. We honoured these teachers this past Saturday, when the government proclaimed October 5 as World Teachers' Day in Ontario.

Nobody would become a teacher in the first place if they didn't love helping kids succeed. That is why our government is committed to ensuring that our teachers have the most up-to-date skills and knowledge, and why we've set clear expectations for teacher performance and professional development.

We believe that our teachers deserve support in their ongoing efforts to continue learning and upgrading their skills. In 2002-03, we're providing \$10 million in one-time funding to develop further professional learning resources for teachers and principals. Our government knows that a good teacher can make a world of difference. We are committed to ensuring that Ontario teachers can offer the very best learning experience to the students of this province.

It's also vital that our schools are safe and respectful environments for both learning and teaching. The provincial code of conduct sets clear, consistent province-wide standards of behaviour for everyone involved in the education system.

At the beginning of the last school year, a number of important amendments to the Education Act came into effect. Teachers are now able to issue one-day suspensions, and principals are able to expel students from their schools for up to one full school year for a variety of disruptive behaviours and serious infractions. Under a new regulation, fully expelled students are required to complete successfully a strict discipline or equivalent program before returning to the regular school system.

A majority of parents at any school, through school councils, may decide on an appropriate dress code for their students.

All school board employees and service providers who have regular contact with students are required to have criminal background checks. This initiative is being phased in between April 1, 2002, and July 31, 2003.

As well, our government recently passed the Student Protection Act to help protect students from sexual abuse. This act sets out a clear definition of sexual abuse that recognizes not just physical sexual abuse but also sexual harassment and inappropriate behaviour of teachers. It gives us more tools to protect our students.

Finally, our government has always recognized that parents play an important role in their children's education. Parents are key partners in achieving higher standards and improved student achievement. In the past year, we continued to increase accountability to parents and to support their direct involvement in the school system.

New regulations took effect at the beginning of the last school year to clarify the advisory role of school

councils. For the first time, the roles and responsibilities of school principals in dealing with school councils have been defined.

In conclusion, and as our actions show, our government is fully committed to a strong public school system in Ontario, a system that supports achievement, a system that supports and encourages improvement, a system that supports and encourages excellence in education. We are committed to ensuring that our students receive the best learning opportunities possible, and we are committed to ensuring that they gain the knowledge and skills they will need to achieve their goals in this competitive, global economy.

Our government will continue to take steps to ensure our young people are on the right path toward a successful future. Our students deserve nothing less than our continued efforts to put their interests and their success first.

1610

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I am indeed proud today to stand and speak to the resolution that's been put before the Legislative Assembly by my leader, Dalton McGuinty, who truly has a vision for education and for students in Ontario.

The part of Excellence for All that I would like to focus on, of course, is Best Start. My particular interest in that part of Excellence for All is because in my role as children's critic I've had the privilege of providing some input to that particular part of the document.

I would like to say, first of all, that I believe Liberals have been pioneers in laying the foundation in this province for providing programs for early child development. In 1989, John Sweeney introduced the New Directions document, where the value of providing a quality early childhood development experience for children in Ontario was recognized. It was because of his foresight that the Liberal government of that day recognized schools as community hubs and would require that in any new school construction child care facilities would be an integral part of that construction.

It wasn't until this government came to power in 1995 that that support was abandoned, and now when schools are built in communities there are no supports provided for child care facilities within the school. It's important to note that, because now Dalton McGuinty has recognized that it is important. This has been substantiated, of course, by the Early Years Study by Fraser Mustard and Margaret McCain, where they made reference to community hubs and the value of providing a convenient location with quality educators for our youngest citizens.

Under Best Start, fully 75% of all households in Ontario with children under four will be eligible for assistance with their child care costs. That works out to 330,000 children whose families will receive support. That's an increase of 450% from what is presently available for families with children under four in Ontario. This is a sliding scale of support. Support levels will be based on income and determined on a sliding scale. A

family earning \$25,000 will be eligible for a subsidy of \$15 a day per child, equal to half the cost of care for their child. Those with lower incomes who now receive full subsidies will retain them, so no one is going to be penalized. If they're fully subsidized at the present time, that situation will continue. A household with income of \$75,000 will still be eligible for daily assistance at \$5 a day per child. It's providing some assistance not only for low-income families but for working families where two people are working very hard and still appreciate the assistance that will make it easier for them to access quality care for their children.

Another important component of our plan is that over a period of time we are going to implement professional child care standards. We will enhance the quality of child care in Ontario by raising professional standards and ensuring that they are met. Under Best Start, parents will be entitled to assistance with their child care costs when the caregivers register with the government, undergo background checks and receive ongoing training. This will ensure a steady and significant improvement in the number and quality of child care providers in the province. This is consistent with what we expect of teachers who receive our children every day. It's also consistent with what has been presented in earlier studies.

Finally—I'm sorry; I don't have as much time as I would like on this—I do believe I need to make some points around special education. My colleague the member for Hamilton Mountain is very concerned about the fact that in 1993 in her community, fully 50% of disabled kids in Hamilton went on to post-secondary, and that number has significantly decreased under this government.

Dalton McGuinty is going to ensure that the supports for children with special ed are available and we're going to take away that heavy bureaucratic structure that prevents dollars from getting right to those students with special needs.

Ms Marilyn Churley (Toronto-Danforth): I'm glad to see that the first and former Minister of Education for the then-Harris government is with us today because, after all, remember that he was the originator of the chaos we have in our schools today. Remember the film, the video that we all saw, where he was telling staff how to create a crisis so that they could cut? That's exactly what we've seen happen since 1995.

I'm going to leave it to my colleague Rosario Marchese, who can't wait to get up and critique the Liberal plan and compare it with ours and talk about what the Tories should be doing to fix the system. What I want to talk about for a few minutes is what has happened to democracy in our province since the government decided to step in and take over three school boards.

It's interesting to see that here in Toronto—let me say first that I want to congratulate and thank in particular Paula Fletcher, the school trustee for the Toronto-Danforth area, who has been doing a fabulous job, has really taken on some leadership here. She and all of the other school trustees from the Toronto District School

Board put their own financial futures on the line when they voted to allow a deficit. They did not take that decision very lightly, let me tell you. I recall sitting and talking to Ms Fletcher and others as they agonized over what to do, but they had the courage to put the children first and they took that risk.

What has happened here in Toronto, even more so than the takeover of the boards in Hamilton and Ottawa for some reason—I guess it's because of the effectiveness of those trustees; I don't know why else they would do this—they have taken even more of the responsibilities and rights away from the Toronto District School Board than the other boards.

Ms Fletcher provided me with this information and I thank her for that. She wrote a letter to Mr Christie, one of the many bureaucrats who have now been moved in, so-called consultants to the Toronto District School Board, to the tune of about \$1 million a year if they were there that long. About \$25,000 to \$30,000 a week from the board's money, instead of being spent on kids, is now being spent on paying these consultants.

I just want to let you know that here in Toronto, for instance, the written list of roles and responsibilities for trustees from the supervisor is "yes" in Toronto, "yes" in Hamilton and "no" in Ottawa.

Board meetings: in Toronto, all board meetings have been suspended until October 23, but in Hamilton and Ottawa they are allowed to meet, with some caveats.

Committee meetings are completely suspended in Toronto. They're not even allowed to meet to discuss any issues, even non-financial. In Hamilton, they are encouraged to carry on with their committee work, and in Ottawa they're continuing.

Non-financial policy matters: "Staff to decide on all policy matters, including complete review of existing TDSB policy." In Hamilton and Ottawa, the boards can advise the supervisors "on policy matters."

Public access to the board: in Toronto, "none"; although, again, I congratulate the majority of the trustees at the board for holding their informal meetings anyway. But again, in Hamilton and Ottawa, they can continue having their board and committee meetings.

Restrictions on what trustees can say or send out, and this is a real attack on democracy: "full" in Toronto. They have been told that they must not distribute any materials to parents through their schools. Trustees have been barred from answering budget questions at parent council meetings, whereas in Ottawa, no restrictions are in place on what they can send out. In Hamilton there are some restrictions. There you have it: democracy completely and utterly squashed, ended, in the city of Toronto. Why aren't we hearing more about this? This is a very serious issue.

1620

I want to touch briefly on an issue that I think is of great importance. The government members who spoke today reiterated once again that it's just those three boards that couldn't meet their targets. I have—and I'm sure the government members must have seen this—a

resolution from the Ontario Public School Boards' Association. That association represents the boards right clear across the province and this is what it says:

"Whereas OPSBA respects the autonomy of all school boards to deal with their local situations;

"Whereas most boards balanced their budgets but notified the Minister of Education that their circumstances would be dire by the end of the 2002-03 school year;

"Whereas three member boards found it impossible to make the compromises necessary in their communities in order to balance their budgets;

"Be it resolved that OPSBA state emphatically to the government that the appointment of these supervisors contravenes the democratically elected boards;

"And furthermore the other OPSBA member boards who have balanced their budgets have done so only by cutting staff and programs and depleting reserves that will further jeopardize students."

When the members on that side stand up and continue to vilify those three courageous boards who did what needed to be done for the children and say the 69 or whatever other boards managed to balance their books—

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Ha.

Ms Churley: It's right here—as the Minister of the Environment says "ha"—in this Ontario Public School Boards' Association, giving the government warning that they better fix the funding formula, that they've made massive cuts and they will continue to have to do so or they will be in the same position next year and the year after.

That's what's happening in schools across our province. I have seen the schools in my riding of Toronto-Danforth—we've been fighting a rearguard action since this government came to power. You know, with inflation and student enrolment it's over \$2 billion, if you look at it that way, cut from the system. The government realized there was some inadequate funding across the province, so they said they were going to fix that. What they did instead is lower us to the lowest common denominator and in fact no schools in Ontario now have adequate funding. That's the reality of the situation we're dealing with.

Our schools have lost so much. I'm not even going to go into all the details of all the programs and staff that have been lost, because I don't have time, but I am going to speak briefly about the sexual assault of a little girl in a school in my riding and other schools where we know strangers have entered schools and created a danger for students.

This is a very unfortunate and serious situation. I have been demanding for some time, along with parents in my riding, that there be a special fund set up outside of board of education funding, because they obviously don't have the money to keep up the programs—maybe under the minister of whatever you call it now, security and community or whatever—safety. It's supposed to be about community safety and here we have a situation where

some of our older schools need some physical repairs. We have situations in the Toronto-Danforth area where some schools like Franklin school have done an audit. They know what needs to be changed physically to fix the school, but they don't have the funding, the money to do that. In the meantime, we have some older schools that need in some cases minor and in some cases major physical adjustments. We need a special fund to come from this government from another ministry, since the Ministry of Education doesn't have enough to even keep up with the basics, and make sure that those things are done. Surely that is something that is fundamental to all of us as a society, that when we send our kids to school, we know they're going to be safe.

That incident shook the confidence of all of us. There's hardly anything to say about it, it was so awful, but at least we can learn from it and make those changes.

The last thing I'd like to say is that Ms Paula Fletcher, the school trustee in my community, was at a rally today at noon at Westwood school in the riding—that's in East York. The teachers and students there were protesting against the loss of a very popular teacher who is about to be removed because of the decrease in enrolment. What that means is that about 100 teachers are going to be moved around because of a decrease of up to about 3,000 children, I believe, mostly because more and more are being sent to private schools, for a couple of reasons: they now get funding from the government for that, but also in some cases people are seeing the deterioration in our schools and are sending kids off to private schools, which will further weaken our public system.

I want to congratulate all those students and teachers at that school today for doing this. The government should be prepared that once again we're going to have more chaos and more problems in our schools because of the current crises facing us today.

This is not going to work. We're waiting to see what the funding formula is going to bring, and as you know, as the government has been told by Earl Manners, if the funding formula isn't fixed—we all support that here; it has to be fixed for the good of our schools and of our kids—there is going to be even more chaos in our schools, manufactured by this government so they could give tax cuts to the wealthy. That's what it was all about: "Let's not forget the big corporations and the wealthy," at the expense of our kids. That's the reality of what we're dealing with today and that has to be fixed.

Mrs Julia Munro (York North): I am pleased to rise today to speak in support of Ontario's excellent system of public education. Specifically, I would like to describe to the honourable members how Ontario's new curriculum benefits Ontario's elementary and secondary school students, in classes from junior kindergarten to grade 12.

As members will recall, when our government was first elected, we promised to reform and improve Ontario's education system. We promised to make it more equitable, to make it more responsive to students' needs and to make it more accountable to parents and taxpayers

throughout the province. Our government has been delivering on that promise.

I recognize that some of those changes have been controversial, yet there is no doubt that today Ontario's education system as a whole is much improved.

Our comprehensive plan for education reform has helped students learn and achieve in several ways.

First, we brought in a challenging new curriculum, from kindergarten to grade 12. This new curriculum sets a high standard for student achievement and excellence and reflects the knowledge and skills our young people need in the 21st century.

Second, we introduced province-wide testing to determine how well our students are achieving and respond appropriately in areas that need improvement.

Third, we created new strategies for learning in response to the test results. Initiatives such as the early reading strategy, for example, and the early math strategy are designed to help students build the solid fundamentals they'll need for a lifetime of successful learning.

We know that the government's education reforms are working. We know that because Ontario students are achieving better results.

One of the keys to performance improvement has been the introduction of the rigorous new curriculum requirements for all grades. Clearly, we have a responsibility to prepare students properly for the challenges of today's competitive global economy. Ontario's new curriculum does that by providing young people with the knowledge and skills they need, by asking them to meet high standards and ensuring they have appropriate support.

It has also increased the opportunities secondary students have to realize career goals by participating in co-op and apprenticeship programs. From the new kindergarten program, through the elementary grades, right through high school, the new curriculum focuses on the basics of reading, writing, math and science. These core skills are absolutely fundamental to our students' future no matter what career goal they decide to pursue.

1630

To support the introduction of new curriculum throughout Ontario's public education system, our government has provided significant new investments. Those investments include \$280 million since 1998 for new textbooks and related learning materials; \$70 million by the end of the four-year implementation of the new high school program in 2003 to support teacher training for the new elementary and secondary programs; and finally, \$80 million over the same period for other professional supports and resources.

I have noted that Ontario's new curriculum emphasizes the building of skills in core areas, including reading, writing and math. At the same time, however, I think it is important to point out that our education reforms have also put a number of programs and tools in place to provide students with opportunities to build character and develop core values.

The new curriculum helps give students an effective grounding in the fundamental principles of democracy

and responsible citizenship. For example, grade 1 students are now expected to demonstrate an understanding of basic rights and responsibilities in ways that show respect for the rights and property of other people, such as sharing and being courteous and co-operative.

In the health and physical education curriculum for grades 1 to 8, students are encouraged to build positive attitudes toward healthy, active living through healthy lifestyle choices, healthy relationships and physical fitness. By grade 5, for example, students are expected to be able to identify factors that enhance healthy relationships with friends, family and peers, such as trust, honesty, and caring.

A further significant curriculum improvement is that Ontario now has a compulsory grade 10 civics course. This course, which is a first for our province, expects students to identify the rights and responsibilities of citizenship that are practised in their school, in their classroom and in the community.

In the introduction-to-business course for grades 9 or 10, students are asked to consider many aspects of ethics and social responsibility in business, including areas such as the environment and worker health and safety.

As well, the new social sciences and humanities curriculum for grades 11 and 12 expects students to understand the critical role in society that is played by the family.

Finally, our government has introduced a requirement that before graduation, every high school student in Ontario must participate in at least 40 hours of community involvement activities. This requirement is designed to enhance every student's awareness of civic responsibilities and the importance of supporting their community.

I could provide many more examples of Ontario's enhanced curriculum and the high standards it holds out for students and teachers, but the point I want to make here is that the new curriculum has been very successful. We know it has been successful through the results of provincial, national and international tests. Those test results show that the knowledge and skills of Ontario's students are improving. In this regard I should point out that the regular assessment of progress in learning the curriculum is a key part of the government's education reform plan.

We all have a stake in the quality of public education. That means we need to know if the education system is delivering the high quality and consistency we want for our children. Under the government's education reforms, Ontario now assesses students on a regular basis, with tests in reading, writing and math in grade 3 and grade 6 and a test in grade 9 math. In addition, the grade 10 literacy test was administered for the first time during the last school year as a requirement for high school graduation.

If we look at the results of provincial, national and international tests, we can see ample evidence that the knowledge and skills of Ontario students are improving. In provincial testing, for example, the number of English-

language grade 3 students in Ontario who meet the provincial standard in math increased from 43% in 1998 to 61% in 2001. For French-language grade 6 students, those students who meet the provincial standard in math rose from 55% in 1999 to 60% in 2001.

In national testing, the Canada-wide student achievement indicators program found that Ontario's English-language 13-year-olds improved their ranking in mathematical content in the four years between 1997 and 2001, from 15th to fourth of 18 jurisdictions. In 2001, these Ontario students were ranked behind only Alberta and Quebec. Over the same period, Ontario's French-language 13-year-olds improved their ranking in mathematical problem-solving from 15th to fifth of 18 jurisdictions overall.

In international testing, Ontario's 15-year-olds also performed well in the program for international student assessment in 2000. This assessment found that Canadian students ranked near the top among 32 countries for achievement in reading, mathematics and science. Among those 32 countries, only the students from Finland achieved a higher level on the key reading component of the test than students from Ontario. In the tests on math and science, our Ontario students scored significantly higher than students in the United States and Germany.

These results are very promising, and our students, teachers and parents can be justifiably proud of the progress that has been made. However, the government also recognizes that some students need extra assistance to master the higher standards of the new curriculum, and we are committed to helping them. To these students in the 2002-03 school year, the government has invested almost half a billion dollars in student-focused funding for school boards throughout the province.

A number of stakeholders have expressed concern that Ontario's new high school curriculum for applied courses may be too challenging for some students. I want to assure the honourable members that the government is committed to finding ways to get the support they need to students who are struggling. I understand that the Ministry of Education is working to address these issues over the coming year with a number of educational partners.

The goal here is to ensure that all students in the province acquire the requisite skills for employment and post-secondary opportunities. Accordingly, Ontario is committed to helping students master these skills early to ensure they have an opportunity for lifelong success in learning.

As I mentioned, province-wide testing allows us to identify those areas where students are having problems. With these test results, we are in a much better position to develop strategies for improvement. These strategies need to contain three essential elements. First, they need to set measurable targets for improvement. Second, they need to develop effective tools to make that improvement happen. Third, they need to have appropriate resources allocated to enable these goals to be achieved.

During last year's testing, it was determined that only 49% of all grade 3 students in the province were achieving the provincial standard in reading. To respond to this problem, the government introduced an early reading strategy. The strategy is a tool to help improve the reading skills of children from junior kindergarten to grade 3. To support this strategy, the government has committed an investment of \$29 million.

1640

This year in May the Minister of Education announced an expansion of the strategy with an additional investment of \$25 million. This funding will be used to expand the early reading strategy to grade 6 and to establish a new early math strategy that will improve the performance in math of students from JK to grade 3. In the last provincial budget, the government also announced an additional investment of \$5 million during this school year to extend the early math strategy to the grade 6 level, while also enhancing the math teaching skills of elementary school teachers.

By implementing these strategies, the government is adopting a proven approach to improving the learning performance of young people.

A number of other jurisdictions, including England, have been successful in raising student achievement through a similar combination of intensive, student-focused and skill-based training for teachers and the setting of improvement targets.

The funding for both the early reading and early math strategies supports improved teaching strategies and new learning resources. In both cases, school boards are required to set measurable targets for improving their students' achievement. Both strategies provide special assistance for schools whose students need extra help in achieving their goals. All schools are required to report their test results every year, along with their progress in meeting their targets.

In this regard, I think it is worth pointing out that the Ministry of Education is now moving into phase two of the support for schools that need extra help program. This initiative is an important component of the province's early reading strategy. It is designed to put additional focused support into a group of selected schools where the need to improve the reading ability of students has been identified as exceptional. Last fall, in phase one of the support for schools that need extra help program, 16 schools were recommended by a steering committee with input from local school boards. Last week the minister announced the expansion of the program to include an additional 14 schools.

To further support the improvement of student learning throughout the province, it is also worth noting that the Minister of Finance announced the creation of the student achievement fund in last June's provincial budget.

I have described how Ontario's new, more rigorous curriculum benefits students throughout our public education system. I have also outlined several of the important reforms the government has taken over the past

seven years to improve student learning and achievement. The new curriculum sets high standards, and given the right circumstances, most students in the province will be able to meet them. That being said, however, I would also like to take this opportunity to point out that students with special needs are also an important priority for our government.

Ultimately, our goal is to foster an education system that is flexible enough to meet the needs of every individual, a system that achieves the best possible outcome for all students, including those with special needs.

To this end, the government has increased funding for special education by more than 17% since 1998-99. This year the province is investing more than \$1.37 billion in special education, more than ever before. At the same time, we are continuing the process of implementing a comprehensive plan to improve accountability and quality standards in the area of special education.

The government has allocated \$10 million in capital funding to upgrade the provincial schools for children with disabilities. In the last provincial budget, the government announced one-time assistance of \$10 million to enhance access to the ISA-related assessments.

Our government is strongly committed to a system of public education that supports the goals of achievement, improvement and excellence, and we are investing more than \$14 billion this year to ensure that students throughout Ontario receive the best learning opportunities possible. We believe that students, parents and taxpayers have a right to expect their public education system to provide the knowledge and skills needed for success in today's global, competitive economy.

Our government will continue to act on that belief by taking steps to put every young person in Ontario on the path to a bright and successful future.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I'm happy to rise in support of Mr McGuinty's motion. It's an important motion. I want to keep it simple; I want to cut to the chase. Our educational system is broken. You broke it and we're going to fix it. That's what the Excellence for All plan is intended to do.

When you look at the cumulative abandonment of this government since they came to power in 1995, it's really rather shameful. At the Hamilton-Wentworth District School Board, for example, we see per pupil funding actually down over \$1,000; no full-time teacher-librarians in any of our Hamilton elementary schools. So much for literacy. While enrolment has risen by 3% during the last six years, teacher staffing is actually down 7.3%. In fact, since 1995 the Hamilton board has lost some 639 positions, 191 of them teaching positions: all lunchroom assistants, cafeteria assistants, bus assistants, library secretaries, primary and junior physical education specialists, primary and junior music specialists—gone; elementary guidance teachers, family studies teachers, design and technology teachers—gone; consultants for music, history, geography, science, technology, physical education and art—gone.

Now, even after a long, painful two-year process, a ministry-mandated process, by the way, that said that three isolated rural community-based schools, namely Dundana, Lynden and Sheffield, would stay open, we see your recently appointed hit man, Dr Murray, in there talking about closing these schools. Shameful.

When this government talked about creating a crisis, you kept your promise. Teachers are demoralized and parents are shaking their heads. Now, in addition to these public cuts, you've put us into education purgatory, asking for \$16 million more to be cut. It's time for some real change in Ontario, change that puts kids first. The Ontario Liberal plan for education, Excellence for All, would do exactly that.

Mr Rosario Marchese (Trinity-Spadina): It's good to have this opportunity to speak to this resolution. There's so much to say. I only have 27 minutes but we can probably fit it all in.

I want to speak briefly about what the Conservatives have done and then get back to the Liberals, because they deserve some of my attention as well.

Interjection.

Mr Marchese: I hope to give you as much praise as I can, to the extent that that's possible.

I want to say that the Conservatives have broken the educational system. Minister of the Environment, Chris Stockwell, my friend, you guys broke it in pieces. You took the system and you cracked it open. It was like an egg. You just hacked it open, bang, like that.

Interjection.

Mr Marchese: You did. There was nothing you left unturned in the educational system, because you guys said, "Now the system is broken, we've got to fix it." Nobody said it was broken.

1650

Hon Mr Stockwell: I did.

Mr Marchese: Only Chris Stockwell said it was broken. Mike Harris said it was broken. A couple of you said it was broken. You said, "I have an idea," like John Snobelen said, "I've got an idea. Let's break the system or let people know we're breaking the system or let them know the system is broken so we can come in, soldier in, and say, 'We fixed it.'"

You have done nothing to fix anything except to break teachers and to break boards and to break the educational system apart. You have vilified teachers from day one. Now we've got Witmer saying, "I love teachers because I used to be one too." And you've got Ernie Eves saying, "I love teachers too."

Hon Mr Stockwell: I do.

Mr Marchese: Chris Stockwell is saying, "I love teachers too." Ted, you love teachers too, right? There is not one Conservative member here today who doesn't love teachers. But seven years ago, you couldn't find a Tory who would say, "I love teachers. That's why we're beating them up."

Hon Mr Stockwell: Tough love.

Mr Marchese: It's the boot kind of love that Chris gave them for seven years. The problem is that we

haven't spared anyone in terms of the cuts. ESL has been savaged. That is a program called English as a second language, for those members who might not know.

Hon Mr Stockwell: I know.

Mr Marchese: I know you know, Chris, but some of your friends probably don't.

Hon Mr Stockwell: They know.

Mr Marchese: OK, they know. Well, you savaged that program. You did: 60% cuts in that field. We're talking about immigrant families who come here, who you want here, I presume. Some of you don't, or at least your Alliance cousins sometimes have dubious opinions on this matter. This is true. But I think most Conservatives think that immigrants are good because they come, they work hard, they buy, they spend, they make the economy turn. Right? It helps capitalism. You know that.

But what you also know is that when they come you want to give them a hand. Some of them speak English well, some of them don't. If they have the skills to learn the language, they integrate better, they work more efficiently and so on. You know the story, Chris.

Hon Mr Stockwell: Well, sometimes.

Mr Marchese: But you guys cut that program—savaged it.

Librarians are 25%, 26% cuts. Chris, you would know, or your wife does, that librarians are the ones who pass on the love of learning, the love of reading. They're an important part of the school system. You guys chopped them too.

Hon Mr Stockwell: We did not.

Mr Marchese: Chris, Minister of the Environment, how can you at once say, "We increased funding," and the studies we've looked at say you've slashed funding? I don't get it; maybe you do. But I don't see it, because the two polarities somehow don't meet. You understand that.

Hon Mr Stockwell: You've been listening to Annie Kidder.

Mr Marchese: Ah, we should listen more to John Snobelen, Madam Ecker, Madam Witmer, Premier Eves, the former Premier, and maybe Chris. We should be listening to them. Because if we listen to them, the system has been enriched by them, meaning that more money has been put into the education system than ever before.

You've got all these people out there saying, "Man, all these cuts, they're hurting." What you need is a Chris Stockwell saying, "No, you're not hurting. You're just not getting it."

Mr David Christopherson (Hamilton West): You think you're hurting, but you're not.

Mr Marchese: Someone else is hurting, but you're not. So if you've had ESL cuts, you're wrong, because you're listening to Annie Kidder. If you've had librarian cuts, you're wrong because you're listening to the Elementary Teachers' Federation. If you've had cuts to secretarial support, you're probably wrong because you're probably listening to a union, CUPE, let's say—whatever. Right, Chris? That's the answer. You guys have got to package it better, because a whole lot of

people out there are not listening to you. I'm concerned for you. I'm speaking on your behalf, worried about your future, you understand.

So all this money you're spending is not enough. You've got to spend more.

Hon Mr Stockwell: More?

Mr Marchese: Yes. You spent \$1.4 million for ads in the Sun, the Star and the Globe to convince them you guys are doing a great job. It's not enough. You've got to take more out of your deep pockets and spend it to do more advertising so the public understands that you guys put in more, not less. Do that. I know you guys are suffering real bad. Think about it.

Madam Witmer came into committee and I raised this point with her. I said, "The teachers, the federations and the trustee associations have been saying that you have not been giving them the money they need to negotiate fair agreements and settlements with their teachers and non-teachers." They are getting \$590 million less than ever before to negotiate some fair settlements.

Hon Mr Stockwell: More money.

Mr Marchese: No, don't say, "More money," Chris, because Elizabeth Witmer said I was right when I pointed this out.

Hon Mr Stockwell: She said you were right?

Mr Marchese: She said that. She said I was right.

Hon Helen Johns (Minister of Agriculture and Food): We find that hard to believe.

Mr Marchese: I know it's hard to believe. I found it hard to believe too. She said in response that Rozanski is looking at this issue.

Hon Mrs Johns: She didn't say you were right.

Mr Marchese: She agreed with me that it's a serious issue. She didn't say I was wrong. She agreed that there is a shortage of dollars, that they are not flowing through and that Rozanski would be looking at it. Do you feel better? So Rozanski is looking at it and that's good, but she would never admit that you guys have not been flowing the money; of course not.

Hon Mrs Johns: And she'd never admit you were right.

Mr Marchese: We've got to get that Hansard here to prove it to you because you won't believe me otherwise. I'll get it for you.

I wanted to tell you that you've broken the system and there are a whole lot of people out there who want to fix it. The Liberals want to fix it too.

Hon Mr Stockwell: The Liberals want to fix everything.

Mr Marchese: But they want to fix it. New Democrats want to fix it as well. But here are our differences. This is where I want to speak to the Liberal plan for a few moments.

Mr McMeekin: Have you read it?

Mr Marchese: Yes, I did, actually, because I have such a keen interest in your education plan.

Hon Mr Stockwell: It's funny, eh?

Mr Marchese: It's not too funny. It isn't. I'm going to comment on this. The only thing worth commenting on

in this plan is their desire and interest in reducing class size in grades 1, 2 and 3, and they've now brought it down to JK/SK, I believe they say. So they're going to keep class size—

Hon Mr Stockwell: How do they pay for that?

Mr Marchese: I'm going to get to that, in terms of how you're going to pay for it.

The only thing worthwhile talking about in this Liberal plan is their interest in reducing class size, because it's a good idea. From a teacher perspective, it's a good idea. Those who are not teachers, who might not know, could deduce that smaller classes are more educationally sound. You don't have to be a teacher necessarily to understand that.

Hon Mr Stockwell: I agree.

Mr Marchese: Chris Stockwell agrees. So that's a good idea.

Here are some of the other ideas. The lighthouse school is something they have borrowed from Britain. They were called beacon schools there. My point on the lighthouse concept is this: we know where students will do well. If you go to Forest Hill, in that pocket of wealth, just as an example, they're going to do very well.

Hon Mr Stockwell: You're saying rich kids, right?

Mr Marchese: Rich kids, yes.

Hon Mr Stockwell: I'm not sure you're right.

Mr Marchese: Well, let me get to the point. If you come from a background of wealth, if you have a professional background—money in and of itself doesn't necessarily give you the incentive to do well in school, but usually it's accompanied by some professional background of sorts. So it's class we're talking about, which class you come from. If you come from a professional background and you've got a few bucks or a lot of bucks—you're tempted to say no. You want to be able to say, "No, that's not true." Anybody in this country can make it, right?

Hon Mr Stockwell: Right on.

Mr Marchese: That's the Conservative ideology. Just stick to that and you'll be OK.

The point is that what the Liberals want is to be able to say, "We've got a lighthouse school here that's doing really well." We know, because they like your test scores and they like your standardized test. They don't want to say it like that, but they do. "When we look at that, we're going to know which of these schools are doing well. We're going to see these great school practices and we're going to give them money so they can share their best practices with those schools—let us say as, an example, Regent Park—where the levels might not be as high."

I've got to ask you, Chris, because you will understand this, what can a teacher from Forest Hill teach someone teaching in the Regent Park area? Yes, you do know, Chris.

Hon Mr Stockwell: What?

Mr Marchese: Nothing. I've got to tell you this. If you get the teacher teaching in Regent Park going to Forest Hill, the results will be the same irrespective of whom you put in that school.

1700

Hon Mr Stockwell: If you get smart kids, you've got a smart classroom.

Mr Marchese: If you get a lot of rich kids coming from professional homes, they're going to do well. It's part of your class background. You feed on that. If you have the experiences at home, the reading habits, the professional drive to get ahead and all of those things, you're going to do well. There is nothing you can teach by way of methodology to someone who comes from the community of Regent Park. What they need is serious help that ought to come from governments so that we give those young people and those families the tools and conditions to do better. That's what you've got to do.

The lighthouse school is a bad idea. You're not going to help those schools that are in trouble for a variety of class reasons. Whether they be issues of poverty, dealing with kids who come from refugee homes or dealing with issues that have behavioural problems, communication problems and/or intellectual kinds of problems, you're not going to be able to deal with them by sending some teacher from some lighthouse school to give them the methodological tools to help those schools that come from that kind of background. It isn't going to work.

By the way, I've got to tell you, Chris, your Minister Witmer came into our committee on estimates. Do you remember the attack I made on her where she said she was going to give \$5,000 for those schools that meet and/or exceed standardized tests?

Hon Mr Stockwell: Yes.

Mr Marchese: For your information, because she may not have told you, she now has \$5,000 for every school, not just those schools where they meet and/or exceed the standardized test results. I said, "Elizabeth Witmer, you didn't even give me some credit for attacking you so savagely, so severely. Why didn't you drop me a note saying, 'Rosario, I listened to you and I changed my mind. It was a dumb idea'?"

Hon Mr Stockwell: No.

Mr Marchese: Oh, it was a dumb idea and your minister knew it. But she came to the committee on estimates and assumed that somehow people like Marchese wouldn't see it. I said, "Elizabeth, I didn't know you changed your mind. In your budget you said only those schools will get the \$5,000 where the students meet and/or exceed. What happened, Elizabeth? Why didn't you just drop me a note saying I attacked you good, you learned from it and changed your mind?" She just smiled.

Anyway, those were the lighthouse schools. The Liberals have turnaround teams—same idea. The leader of the Liberal Party came and said earlier on they're going to have turnaround teams because schools are not getting the support they need.

Hon Mr Stockwell: This is all yacky, yacky.

Mr Marchese: Something like that, yes.

Hon Mr Stockwell: Blah, blah, blah.

Mr Marchese: Yes, blah, blah, blah. Right. What he said at the end of his comments was, "We won't punish

schools," but in the 10-point plan that I have in my five little fingers—

Interjection.

Mr Marchese: He did. He would punish those schools, and he said he would punish some administrators. They would be fired if they didn't meet those expectations. So what he's saying—

Interjection.

Mr Marchese: He didn't say that today. But, my friend, he did say that when he released his 10-point plan. He said bureaucrats would be fired if they weren't able to bring those kids up to the standards they're setting. Here's the point, Chris, because I know you're following it and you've been very keen on these issues. You're going to go back and report to your wife on these discussions, I know.

Hon Mr Stockwell: He has trouble remembering what he said.

The Acting Speaker: Order.

Mr Marchese: The point is this: the turnaround teams can do so very little to bring these people to an area where there is excessive poverty, where we have a lot of refugees and special education needs. No turnaround team in the world can come into that area and bring those kids up to scratch simply by bringing some methodological kind of teaching tool that's going to change that around. It's not going to happen.

Interjections.

Mr Marchese: It's not going to happen, Liberal members speaking to this issue. I can't wait for some of you to speak to this issue.

Then they have the issue of choice. Parents can choose to go where they want. That means that when they see the test results and they find their local school is just not up to stuff, they can choose to send them to another area where they do well. A whole lot of wealthy people in my riding say, "I'm leaving because I don't like it here. These kids are not producing as well as they should." Liberal McGuinty says, "I've got a choice. I can take them from Toronto all the way to Scarborough and it'll be OK." It's a dumb idea. It's dumb, dumb, dumb. You move into this community, you stay in that community, is my view, and you do that by making every school a successful school. You work with each school to make it successful, rather than saying to the parent, "The standardized tests show this school isn't doing well. You can just leave and go somewhere else."

Mr McMeekin: What do the teachers' unions say?

Mr Marchese: Teachers' unions? Are you attacking the teachers' unions? You've got a lot of friends there.

Mr McMeekin: They like our plan.

Mr Marchese: Yes, I know some of them like your plan.

I'm just talking directly to the public. I'm saying to you, get a hold of our plan, get a hold of their plan, because you need to see it. I'm saying to you, just compare what we have to say and what they have to say. On the issue of financing, I say to you watching this program, the Tories have broken the system and they've

taken billions of dollars out. Yes. In order to fix it, I am saying to you, you have to reinvest.

McGuinty says, "We're reinvesting \$1.6 billion, the NDP \$1.5 billion," just to out-do us, you see. They saw this, by the way. We encouraged them indirectly, shall I say, to produce their own little plan. So they are going to spend 1.6 billion. How are they going to find the money?

Hon Mr Stockwell: How?

Mr Marchese: They are not raising any taxes. They are going to get them from the \$2.2 billion you guys gave to the corporations, and with all that \$2.2 billion, my God, they're going to fund everything.

I'll make that list available to you in a second. They are going to fund every promise that they have made, will make forever—\$2.2 billion. Here's the problem. There isn't \$2.2 billion to be given out. They have only so far committed of that \$2.2 billion about \$700 million, \$750 million, more or less; possibly \$800 million. You know how short they are of making all those promises?

Hon Mr Stockwell: They are shorter than you.

Mr Marchese: They're much shorter than I am. I'm only five feet four. With that promise they are this tiny. It ain't going to go too far. It's this rubber ball they keep on bouncing in Queen's Park. It keeps on bouncing from one wall to the other—\$2.2 billion we are spending on every promise we make. McGuinty says we have to spend \$1.6 billion because we need to invest in education. Where are you going to get the money? It's not there. "We are going to get the money because the economy will grow." Holy cow.

Interjection.

Mr Marchese: If I can't grow any more than this, this economy ain't going to grow much faster. I have to tell you, we've had good growth in the last five, six or seven years. Mercifully the Tories have had the good luck to be in power while that happened. It's not going to be seen again for the next little while, I'll tell you. We've had a period of a recession last year; it's likely to dip even more. The money is not going to be there. They can't rely on the kind of growth they expect to keep all of the promises they are making.

New Democrats are not afraid to say we have to invest. We are dedicating a tax that we are proposing to raise the money. We are not afraid to say we have to raise income taxes. What we are saying to you, those of you watching—because the Tories already know—we are proposing two new tax brackets so that whatever you earn over \$100,000 gets taxed at 1.5% and whatever you earn over \$150,000 gets taxed at 1.5%. We will raise \$1.2 billion to \$1.3 billion to do that, to pay for our educational promises.

I am saying to those of you who are watching, we cannot make promises that we cannot keep, but the system cannot be fixed unless we find more money to be able to do that. You can't. Often the Liberals have said the special education waiting lists are just horrendous. We say it's horrendous; 40,000 or so waiting on lists to be identified so that they can get the attention they need. It's a drama, that one. It's sad that we are hurting so many

students because they can't be identified with a particular problem or other. It's sad. How do we fix that? There is no money if you vote for the Liberals.

We're saying we've got to raise the money again. We've got to get some money back that the Tories have given away—\$11 billion just given away, as a result of which we have an educational system crumbling, desperate for support and cash. The health care system, environment, anything you can think of is falling apart. We need to get some money back so we are dedicating two brackets of taxes, collecting \$1.2 billion in order to keep our promises on education. That's what it takes.

Mr McMeekin: Come say that in my riding.

Mr Marchese: I want the member from Ancaster-Dundas-Flamborough-Aldershot to go into his community and say, "We're not raising your taxes, but we're going to spend \$1.6 billion that we don't have." That's what I want him to say, and I know he's going to squirm. He's going to hide as much as he possibly can when people ask him, "How are you going to keep your promise to fund hospitals?" Here: "McGuinty said he would find money to fund hospitals by cancelling the \$2.2 billion in corporate tax cuts." Help parents of disabled children; instead of putting another \$2.2 billion in tax breaks for large corporations, a greater priority would be to help families like that.

1710

Lower tuition. Our universities are funded 59th out of 60 North American jurisdictions. McGuinty says, "I can understand where university administrators are coming from when they say that they want to charge higher tuition." He's going to get it from the \$2.2 billion. That's not fair. Eliminate the deficit. We shouldn't be going ahead with a \$2.2-billion cut when we're facing a \$5-billion deficit. We have to stop spending millions of dollars on government advertising. The list goes on: money for SuperBuild, more public health offices, fix health, education, and fund tax breaks. It goes on and on, all with the \$2.2 billion that they're going to get from them, and they've only spent \$700 million. The rest is not committed because they know that the economy is not doing very well, the money is not there and they're taking that rubber ball and bouncing it from one room to the other in this House, day in and day out.

You, listeners, have to pay attention to our differences. Listen to the couple of Liberals who are going to come up next and see what great news they're going to share with you about their promises to spend money they don't have. They won't raise one tax cent from you to be able to fix that system. Compare our plan, compare theirs and see who's credible on these issues. I say to you, vote for whom you believe to be most credible and that will give the support to fix the educational system. We provide that.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I'm delighted to have the opportunity today to discuss the Ontario government's initiatives designed to support teaching excellence and improve student achievement. Nothing we do as a society is more critical

than providing our children with an excellent education. Education is their ticket to a prosperous future. A good education is important because it equips our children with the knowledge and skills to compete in today's world.

Today being opposition day, we perhaps are discussing the Liberal plan. I'll take the liberty, if you'll permit me, to quote something from the Toronto Star, which is so well-loved by the opposition. This is from October 6, and the headline says, "Liberal Plan for Education too Vague." I'll take the liberty of reading some lines from this Toronto Star article: "It took little time to digest a 24-page brochure with photos, big type, lots of white space and few words per page."

Mr Steve Peters (Elgin-Middlesex-London): Who's the author of the article? Guy Giorno?

The Acting Speaker: Order.

Mr Gill: The Toronto Star article from October 6 goes on further, "To describe the pamphlet as a 'policy' or 'platform' is something of an exaggeration. It's a collection of vague platitudes and catchy slogans, with either nothing to back them up or the true plans well hidden.

"Substance? Hardly," it goes on to say. "There's more beef in k.d. lang's freezer" than in this platform.

Their election platform, if you want to call it that, talks about respect, honesty, responsibility and fairness. Those sound like great ideas and I think they are, but they're not original. On page 39 of the Conservatives' 1999 election platform, the Blueprint, as you will recall, it says clearly, "We'll make the teaching of respect and responsibility mandatory in our schools." So they're trying to steal that idea from us.

Another good idea is letting parents choose to send their children to any publicly funded school, even if it's not in their neighbourhood. Once again, our previous Premier, Mike Harris, announced it in last year's throne speech—another idea that came from us.

It goes on to say, "Nice brochure, flashy cover, but vague rhetoric isn't policy and pleasant sentiments aren't a plan. What's the real agenda?"

Teachers are critical to student success. We know it's very important to have good teachers and, as we all remember from our childhood days—

Mrs Marie Bountrogianni (Hamilton Mountain): Many, many years ago.

Mr Gill: Yes, many years ago, and I still remember because it was a pleasant experience.

Those teachers who made the difference in our lives—many of them are now in Canada who taught me math, science and English. And I'm still learning, as you can well appreciate. It's a lifelong experience.

These teachers are with our students five days a week, 10 months a year. A teacher can have a huge impact on how a student thinks, what he or she believes in, and how young people view the world.

I'm proud to say that Ontario has many committed and dedicated teachers. I'm very happy to acknowledge a couple of teachers from my own family. My first cousin Michael Gill is a teacher, and my niece Meena Gill is a

teacher in Bramalea. This summer, as I was reaching out to meet my constituents—the traditional door knocking—I didn't know which school she was teaching at, but I happened to be in the neighbourhood. Parents brought their little kids, maybe five, six, seven years old: "Come here. Raminder Gill is here. He's the uncle of your teacher." They were quite happy and pleased to see me. I guess she is well liked by her students and by the parents of those students.

With this in mind, the government took action to raise awareness of the contributions and achievements of teachers by officially declaring this past Saturday, October 5, World Teachers' Day in Ontario. World Teachers' Day is a day designated by UNESCO to recognize the contribution teachers make to society. The day offered us the opportunity to think about and appreciate the contribution teachers make to all our lives, student lives and their bright futures.

We ask a lot of our teachers today, in fact more than ever before. Not only do we ask them to equip our children with skills and knowledge, but we ask them to help our children develop the self-esteem and confidence they need to live life fully as active and responsible citizens.

We ask teachers to inspire in our children a lifelong love of learning. We also ask our teachers to be educational leaders, to work closely with parents and other members of the community to improve student learning.

As parents and taxpayers, we expect a lot from our teachers. This is why our government is committed to supporting teacher excellence. We want to ensure Ontario teachers have the full opportunity to be the best qualified and the most highly skilled in Canada.

Since May 2000, we have been putting in place the policies and programs to assure parents that all teachers are well qualified and have the up-to-date skills and knowledge to meet the high standards of the new curriculum. I was very happy to be part of the government that had the courage to eliminate OAC, or grade 13. I know there are going to be some adjustment concerns. When I was parliamentary assistant to the Minister of Training, Colleges and Universities, I talked to many of the universities, which have assured us that with the additional funding the spaces are going to be there for all willing students who are going to be going to colleges or universities, as they so desire. I'm very proud of the universities that we have in this province.

I was quite pleased in fact—I guess I felt honoured—that my own university, the University of Toronto, where I went to learn chemical engineering, invited me back the other day, and now I'm on the advisory committee of the dean of chemical engineering. I'm quite pleased to be there. Many highly esteemed, much more learned members are there. Paul Godfrey is one of them, and the chairman of DuPont chemicals is there, so I'll be very happy to share some experiences with them and perhaps I'll be able to impart some of the life experience I've gained so far through lifelong learning; and I continue to do that.

1720

To ensure teaching excellence, the government has introduced a number of important new initiatives. The new teacher performance appraisal system introduced in March of this year creates regular, standardized evaluations for all classroom teachers in Ontario. The new system responds to concerns raised by groups that the current methods for measuring a teacher's in-class performance were inconsistent across the province. It assures parents that regular appraisals of teachers are taking place and focuses on the key areas of teacher performance, such as commitment to students and student learning; communication with students and their parents; professional knowledge of teachers; their teaching practices; participation in the life of the school and school community; and participation in ongoing professional learning.

Going back to when I was in high school—a member from the opposition said, "A long time ago." I guess so; I still remember the experience. I remember teachers who would be there sometimes from 7 am till 6 pm, and many times on Saturdays, to make sure that the students—maybe I needed more help; I don't know—were given the tools to learn, even if it meant extra time spent that was more volunteer time by the teachers. I was quite blessed, having learned that way. They were great teachers who did spend extra time, be it in extracurricular activities, be it soccer or volleyball or be it preparing students for the upcoming standardized testing.

The first standardized test I wrote was in grade 4, and here we are still struggling with whether a standardized test is a good thing or not. That's the only way to find out how well the schools are working, how well the students are learning. There's no other way. Otherwise you keep passing the students and all of a sudden they reach grade 13, they go to university and it's found that they're not up to par.

More and more, the world has become a global economic unit, if you want to call it that, and it's very important for children to learn the skills where they are competing throughout the world. We look upon many countries to send us their brightest in IT, their medical graduates, but we want to make sure that our own kids, through varieties of testing, be it teacher testing, standardized testing of the kids, are up to standard. I'm very happy to be part of the government that has brought in these tests.

As you saw the other day, test results have improved. I think the Liberals were saying they want to have a 75% pass average. I'm happy to report that we're already there, so I don't know what their agenda is going to be next other than, say, 100%. So I'm quite pleased that we are there. And there's more to be done.

Ontario's new teacher qualifying test, to be taken by all new teacher candidates, will assure parents that teachers new to publicly funded Ontario schools have the level of knowledge and skills expected of beginning teachers.

This year the province-wide test is being taken as a field trial to further validate the test and ensure that it is fair, accurate and effective. Starting next year, candidates seeking Ontario teaching certification will be required to pass the qualifying test as a certification requirement of the Ontario College of Teachers.

Through the professional learning program, Ontario is also helping teachers to be as up to date and knowledgeable as possible. The program supports student achievement by helping teachers continuously improve and stay up to date in key topics such as student assessment and the use of technology. Under this program, certified teachers in Ontario complete professional learning activities for a minimum of 14 courses over a five-year cycle to maintain their teaching certificate with the Ontario College of Teachers.

Staying up to date is not new to teachers. The majority of Ontario teachers regularly participate in professional development. This program builds on many of the professional development courses currently available to teachers. As well, two years ago, our government introduced a language proficiency test for all teachers from other jurisdictions trained in a language other than English or French who apply to the Ontario College of Teachers. The test helps to ensure that these applicants can communicate clearly either in English or in French before they receive a certificate to teach in Ontario.

On October 3 this year, this government announced it was investing \$21 million in a series of initiatives designed to support teachers throughout their teaching careers and to help them improve student learning. Like all professionals, teachers want to keep current. Many teachers regularly update their knowledge and skills. They take courses and they get involved in many different learning activities that enhance their teaching skills and can be included in the professional learning program.

We want to give Ontario's hard-working and dedicated teachers the opportunities that they have been asking for to help their students succeed. The new initiatives announced last week by the Minister of Education include \$10 million for professional learning resources for teachers and principals, as promised in the spring 2002 budget; \$5 million to ensure a sufficient number of low-cost, easily accessible courses are available to teachers, principals and other administrators across the province—this funding will allow school boards and professional associations to develop or adopt distance education and other courses for teachers and principals; and \$5 million more annually to support teachers in improving students' reading skills at selected schools as part of Ontario's early reading strategy. The government will be investing these funds in professional development specific to teaching early reading skills and for learning resources for the selected schools. Schools will also be given the opportunity to work with literacy experts in order to develop more effective teaching strategies.

Much has been done; more needs to be done. We are on the right track.

I'm going to take the liberty of going back to the article I saw in the Toronto Star. I think it's a very important article for parents at home to know how vague the Liberal plan is. I won't read the whole thing because I'm sure the people at home—this appeared on October 6—know that this was empty rhetoric with no plan. They're just throwing money—\$1.6 billion; I don't know where they're going to get the money. I think they are heading toward more taxes, more deficits. I think that's their plan.

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: I wanted to ask if the member could clarify the fact that that piece was written by Guy Giorno?

The Acting Speaker: That's not a point of order. *Interjection.*

The Acting Speaker: No. Sit down. Further debate?

Mr Peters: I'll clarify that without a point of order. I think it's important to remind the citizens of Ontario that the author of that article is the former chief of staff and one of the chief architects of the damage and demise that we've seen in this education system in this province, Guy Giorno. That's who wrote that article. How dare that member quote from that article? It's this party, this government, that has destroyed education.

You know what? It continues on. This very evening, the Thames Valley District School Board, because of the budget constraints that have been imposed upon them, has to contemplate closing schools—closing schools in my own riding, in Springfield. My phones have lit up today from Springfield and West Lorne. You know what the problem is? This government doesn't recognize that this template that they seem to impose on education, this Toronto-centred template, doesn't fit the rest of this province. There is a lack of recognition by this government that there is more to this province than the city of Toronto, that there are differences that exist in this province. Rural Ontario is different than urban Ontario, and this government has failed to recognize that. That's why we're seeing the Thames Valley District School Board having to contemplate the closure of five schools, and this government is the architect responsible for that.

1730

The changes that we've seen happen in the education system, the fact that you don't teach home economics any more—home ec was one of the best subjects that was taught. It helped individuals out. Your government cut it out. Shop: you cut it out. Extracurricular activities: we've seen the damage you've done there.

You guys have got to put the brakes on things, but you're not doing that. Dalton McGuinty has a plan. Dalton McGuinty is going to bring excellence back to education in this province. We're going to put students first and not put corporations in this province first. We're going to think about the students. We're going to start with the early years, making sure those individuals start at a young age learning what it is to have a good education. You don't recognize that, but Dalton McGuinty and the Ontario Liberal Party do recognize that.

Mr Christopherson: I appreciate the opportunity to join in the debate. It's been interesting to listen to government members continue to talk about the fact that there's more money, that there haven't been any cuts. Of course, we know they've played with the definition of what classroom spending is and that allowed this government to do a whole lot of things. But on the ground, where it matters, in places like my hometown of Hamilton, the numbers tell a very different story than the one the government wants to spin out of here.

In 1993, the money received and the money spent by the Hamilton board per student was \$7,212. Today—I'm using the figures from 1999-2000—it's \$6,158.89 per pupil; \$7,200 to \$6,100. There's the gap.

Mr Steve Gilchrist (Scarborough East): How much of it is in the classroom?

Mr Christopherson: The member across the way is heckling, "How much is in the classroom?" which really is insulting to raise, given the fact this government—

Laughter.

Mr Christopherson: Well, they laugh, but this government has decided that transportation costs have absolutely nothing to do with what goes on in the classroom. How the students get from home to the school somehow bears absolutely no relationship to what happens in the classroom. How about heating the classroom or providing lights or maintaining computer equipment? Those things don't calculate into their formula for what is classroom spending. So I would caution members across the way in the government benches when talking about classroom spending, because all you've done is play with those numbers.

The fact of the matter is that our board said, "Enough is enough." By the way, I stand squarely behind chair Judith Bishop and our entire board in taking on this government. They said, "Enough is enough. We're not going to continue to do more damage to the education system in Hamilton to make the Tories look good. We're not going to do it any more." So they refused to cut out the last \$16 million that would be necessary to deliver a balanced budget. Why? Because they weren't prepared to go there. The added damage that \$16 million would do—in fact, they already make the statement in one of their own fact sheets. I've only got about a minute.

Quoting the trustees from the board document, "The board has probably gone too far in accommodating provincial government cutbacks, as these programs have been particularly hard hit, even though these needs are increasing." In this case, they're talking about special needs and English as a second language, but it applies to all the programs.

I say, good for that board, good for the board in Toronto, and the same for the board in Ottawa. Somebody has got to stand up for the kids, because clearly you're not prepared to do it.

You roll in Mr Murray, who is now the supervisor of the Hamilton board, and somehow magically he's going to take out \$16 million and, I suppose, make the argument on your behalf that no damage is going to be done

to our kids' education. It's not going to happen. There is going to be serious damage and you, government, are not going to say, "Blame Mr Murray, the supervisor." You are going to take responsibility for every penny he cuts out in your name and you're going to be responsible and accountable for every program and staff job that we lose as a result of the supervisor taking over, with dictatorial powers, our board—powers we don't agree with.

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to join the debate and urge the House to support the resolution supporting Dalton McGuinty's Excellence for All education plan.

I want to focus exclusively on one aspect of it, and that is our plan to cancel the private school tax funding. Premier Eves plans to spend about \$500 million on support for private schools.

I live in a community that has gone through an enormous amount of change over the last 30 years. We are now perhaps the most diverse area in the world—multi-religious, multicultural, multi-faith, multi-language—and it has happened with a minimum of challenges and problems, primarily because in our secondary schools all of our young people come together. I will just say to the people of Ontario that in the area I represent there are now probably 12 or 13 brand new high schools planned or opening on the basis of language, ethnicity or religion.

We are going to fragment our education system in a very dangerous way. So the aspect of this plan that I want to focus on, as I say, is cancelling the private school funding. If we don't do that, in my opinion, we are sowing the seeds of our own destruction. The thing that has made this province great, perhaps the most important thing, has been our public schools, where all of our young people come together. I warn us, we are in the process of fragmenting that, and in my judgment, we can't let it happen.

Mr Richard Patten (Ottawa Centre): I also rise today to support the motion put forward by Dalton McGuinty, our Liberal leader. I want to underline "Excellence for All"—not only "excellence" but "for all."

The government talks about equality very often. We're looking at a plan that will give and provide true equality, because not every child has the same opportunity, given their background, their own talents, their own particular skills, their own history, linguistically or otherwise, or in terms of challenges they may have developmentally. This program takes on the challenge of saying, "We will pay attention to what we've learned in terms of research about how we support our children to learn."

One of the public district school boards was taken over by this government. They called the person they sent in a "supervisor." He's a total dictator. He doesn't listen to anybody. His job is to make sure that the trustees, who struggled with this, who have tremendous salaries of \$5,000 a year—that they have not served their children in that area well because they would not balance the budget a further \$23 million, on a budget of hundreds of millions of dollars, because they said, "We cannot go

any further as custodians of quality education for our children."

The people who would suffer the most are the children in special ed. The minister said, "No child will suffer." They cancelled a program called Headstart. Do you know what Headstart is? It's a program for five-year-olds. It's a program to help kids who are having trouble enunciating and articulating what they are thinking. It has nothing to do with their intelligence; it's a particular motor function. We know we can help these children at the beginning. They cancelled this particular program. Those kids will suffer for that and we will pay for it; so will that child and so will their family.

That is not education for all; this motion is. I ask everyone in the House to support it today.

1740

Mr Gerard Kennedy (Parkdale-High Park): It is a pleasure for me to stand here today in tribute to the work that Dalton McGuinty and all the members of the Ontario Liberal caucus have done. While we have had this waft of complacency and sad commentary from the other side of the House, the Ontario Liberal caucus has been out visiting the schools in their ridings and in some of the ridings currently held by government members, because those seem to be the only ones that are truly focused on what matters here, prepared to put students first. Instead, what we have on the other side is a litany of excuses about the kinds of things they can't do.

We know that in Etobicoke and in other places in the province there are members happy with the idea that private schools should get a preference. They are complacent and in fact thrilled, I guess. There's a 54% increase in enrolment in private schools under this government. There's an accomplishment they can claim. There's something they can be proud of. That's the direction they want us to go in: 430 schools closed, a lot of them rural schools in places like Grey-Bruce and Huron and so on. They've been shut down by this government because they don't understand that you have to support public education, they're so focused on having and delivering for private schools. So that is obviously the choice in front of the people of Ontario and it's a choice made sharp and clear by Excellence for All.

It was sad to see one of the members opposite unable even to come up with his own second-hand information, reading third-hand from somebody who used to work for the Premier, talking about this plan and unable to reckon with it, as that person was in their column in the Toronto Star, on its merits, unable to come down to the level of talking about what's good for kids. That's what we need here today. We need people to understand that Excellence for All would put public education on the path for excellence, would deal with some of the worst things that have happened in the last number of years.

The government members opposite have talked a little bit about what they think they've gotten done. What they've gotten done is clear and plain on their own evidence. We have today in our schools 15,000 fewer teachers than we did compared to the standards of 1990,

15,000 fewer in the classroom. They've talked about and hidden behind statistics that don't reveal the true state of affairs. The fact is they're helping kids learn less. These lower standards, these lower-quality indicators that exist today are the true legacy of seven years of turmoil that delivered 24 million lost days in our schools to our students, 24 million days when they should have been learning but they weren't because the government's failed policies have brought on a level that is three times the lost days of the two previous governments combined.

That itself is a testament to the government's priorities. They're not interested in having public education succeed and having it be excellent. That's why we didn't see a single member opposite stand up there with their own ideas or say how they were going to make excellence work. In fact, we've had, sadly, trotted out by the member for Waterloo-Wellington—he ought to visit his schools, as I have recently, and see where there's 30 kids in class and not talk about an early reading program.

They're going to spend one third of the money they spend on early reading on the advertising they're buying in this province shamelessly with education money to promote that program, taking it away from the kids who ought to be benefiting in Waterloo-Wellington. The class I was in was a grade 1 class with 30 kids in it, and that wonderful teacher could tell us by name which of the children could benefit from the smaller class size guarantee that we're making in Excellence for All.

Instead of hearing about that from the members opposite, we hear some stale, worn, tired responses. What we don't have is any idea about how to move forward. Move forward we must. Look at the results. They brought in a \$50-million testing program and what have they done? In five years they've huffed and they've puffed and they've cut and they've attacked and they've gone and blamed everyone. And what have they managed after five years? They've moved the reading scores in this province from 46% to 49%. They've gotten us and our children exactly nowhere, at a cost of lost opportunities for those kids.

Hon Mr Stockwell: On a point of order, Mr Speaker: I'm sure the member from Waterloo-Wellington would like to know the school that the member is—

The Acting Speaker: That is not a point of order. Sit down.

Mr Kennedy: The fact is that under this government's watch they talk about having a curriculum. They brought in a so-called new curriculum and it's worth noting that there's been one—

Hon Mr Stockwell: On a point of order, Mr Speaker: I don't think he heard me. I think he wanted to know what school he was speaking about in Waterloo-Wellington.

The Acting Speaker: That is not a point of order. The member for Parkdale-High Park.

Mr Kennedy: Here is what they say at the District School Board of Niagara, looking at this wonderful curriculum some of these people try to hide behind as they celebrate their larger class sizes, the absence of inter-

national languages and the deduction of heritage programs, the kinds of things that really work in some schools. This is what they say in the Niagara school board, "The new curriculum, while itself a necessary change, was hurriedly put together, poorly planned, implemented in an unworkable fashion and grossly underfunded. The results show the students are frustrated beyond belief, parents have disengaged, teachers are overworked and continue to feel unappreciated, books are rare and resources are few." That is the true approach of the people opposite.

We have apparently, from the members—

Interjection.

The Acting Speaker: The member for Grey-Bruce-Owen Sound will come to order.

Mr Kennedy: In Grey-Bruce-Owen Sound they're closing schools because they're happy with this lack of accomplishment. For example, because of the way this curriculum has been brought in, 55% of the kids in grade 9 applied math failed that test, and they failed it because of an absence of help from the yammering members opposite. They'd rather spend money on TV ads on the national news than actually help these kids learn.

Interjection.

The Acting Speaker: Stop the clock. If I have to warn the member again, he will be gone.

Mr Kennedy: Would there were one member opposite who would fight as hard to shut down—an opposition member. They would fight for the kids in their ridings and actually do something for them.

This is the message. They're afraid of Dalton McGuinty's education message because they know in their heart of hearts that they have not attended to the needs of their ridings. They know there's a 300% increase in people who pay for private tutors and they know each one of them. There aren't enough people who can afford tutors to be your voters in the next election. There are people who have gone missing in this, people who have paid the price, and they paid the price of a government unprepared to have the commitment to public education, unprepared to actually offer something to our schools but very prepared to see \$500 million diverted into private schools that each one of them voted for; each one of them prepared to put money for private individuals, for private schools, ahead of that for the public school system.

We look around and we see, for example, the member for Etobicoke Centre, who celebrates the fact that there's \$2,100 less for each one of his constituents' children in the school board. He was silent when they took away those services in that riding. They find themselves facing these enlarged class sizes, and special-needs kids no longer have education assistants in his schools.

Similarly, the member for Stoney Creek was quiet when in Hamilton they lost \$1,600 per student. There couldn't be a peep heard from that member, nothing at all. Nor could we hear from the member for Ottawa-Nepean sitting opposite there, not a single peep when the \$2,300 was cut. And when the school board said to the reasonable people of this province, "Have a look at what

you're doing. See whether or not our kids are winning out in this. Do you actually know whether kids are going forward?" the members opposite were quiet.

They won't be quiet much longer because we'll be in each of their ridings with this exact plan, Excellence for All, making sure that what the members across celebrate, \$50 million to \$80 million worth of paperwork that they want to see so that special-needs kids don't get help—that's what they're defending. They're spending \$50 million to \$80 million so that they can deny kids with autism, with Down syndrome, with a range of afflictions who have been succeeding with proper support in our schools—and not one person opposite is prepared to stand up and fight for those kids.

I ask the parents of this province, if they're not prepared to fight for conspicuous needs, if they're not prepared to fight for the kids whose needs are obvious, what are the chances that they're fighting for your kids? None at all.

I would say further that not only have they cost us 24 million in lost days with their policies of error, what the voters of Ontario, the parents and grandparents and the citizens of this province, need to know is that they've been prepared to sacrifice those kids. They've been prepared to put them in second and third place in their priorities. They've been prepared to sit there and not come up with a single idea.

We say the children are too valuable. We say we will start Best Start, engineered by my colleague Leona Dombrowsky. We will have public school choice, not the type ridiculed by the member opposite but the kind that Ernie Parsons made work in his school board for years on end. We will have a policy of education that will put Ontario first with its students and first in our prosperity in the future.

The Acting Speaker: Mr McGuinty has moved opposition day number 1.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1751 to 1801.

The Acting Speaker: All those in favour will please stand one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Dombrowsky, Leona	Patten, Richard
Bartolucci, Rick	Duncan, Dwight	Peters, Steve
Bountrogianni, Marie	Gravelle, Michael	Phillips, Gerry
Boyer, Claudette	Hoy, Pat	Pupatello, Sandra
Bradley, James J.	Kennedy, Gerard	Ramsay, David
Bryant, Michael	Lalonde, Jean-Marc	Ruprecht, Tony
Colle, Mike	Levac, Dave	Sergio, Mario
Conway, Sean G.	McGuinty, Dalton	Smitheman, George
Crozier, Bruce	McMeekin, Ted	
Curling, Alvin	McLeod, Lyn	

The Acting Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Arnott, Ted
Baird, John R.
Beaubien, Marcel
Bisson, Gilles
Christopherson, David
Chudleigh, Ted
Churley, Marilyn
Clark, Brad
Clement, Tony
Coburn, Brian
DeFaria, Carl
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda

Gill, Raminder
Guzzo, Garry J.
Hardeman, Ernie
Hodgson, Chris
Johns, Helen
Johnson, Bert
Klees, Frank
Kormos, Peter
Marchese, Rosario
Martel, Shelley
Martin, Tony
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank

Murdoch, Bill
Mushinski, Marilyn
Newman, Dan
O'Toole, John
Ouellette, Jerry J.
Prue, Michael
Runciman, Robert W.
Sampson, Rob
Spina, Joseph
Sterling, Norman W.
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Turnbull, David

Eves, Ernie
Flaherty, Jim
Galt, Doug
Gilchrist, Steve

McDonald, AL
Miller, Norm
Molinari, Tina R.
Munro, Julia

Wettlaufer, Wayne
Wilson, Jim
Wood, Bob
Young, David

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 28; the nays are 54.

The Acting Speaker: I declare the motion lost.

It being past 6 of the clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1804.

Evening meeting reported in volume B.

ERRATA

No.	Page	Column	Line(s)	Should read:
37	1837	2	48-49	Interjection: You're a bit old for that, aren't you?
37	1837	2	52	Interjection: Sorry, I couldn't resist.

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McMeekin, Bill Murdoch, Wayne Wettlaufer
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CONTENTS

Tuesday 8 October 2002

MEMBERS' STATEMENTS

Hydro rates	
Mr Brown.....	1909
Mr Gravelle	1910
North Bay Regional Health Centre	
Mr McDonald.....	1909
Protection of privacy legislation	
Mr Crozier.....	1909
National Dental Hygienists Week	
Mr Maves	1910
Education funding	
Mr Christopherson	1910
Child Abuse and Neglect	
Prevention Month	
Mr O'Toole	1910
Mental Illness Awareness Week	
Mrs Dombrowsky.....	1911
Queen's visit to Canada	
Mr Gill	1911

ORAL QUESTIONS

Hydro rates	
Mr McGuinty	1911
Mr Eves	1912, 1913
Mr Hampton.....	1913
School closures	
Mr McGuinty	1912
Mr Eves	1912
Municipal police services	
Mr Hampton.....	1914
Mr Runciman	1914
Employer health tax	
Mrs Pupatello	1915, 1916, 1918
Mrs Ecker	1915
Mr Eves	1916, 1918
Agriculture industry	
Mr Johnson.....	1915
Mrs Johns	1915
Tourism and amateur sports funding	
Mr Sampson	1916
Mr Klees.....	1917
Adoption disclosure legislation	
Ms Churley.....	1917
Mrs Elliott	1917
Home care	
Mr Miller.....	1918
Mr Newman	1919
Ambulance services	
Mr Bradley	1919
Mr Clement	1919

Medical school admissions

Mr Gill.....	1920
Mr Clement.....	1920
Employment in Sturgeon Falls	
Mr Bisson	1920
Mr Eves	1920
Mr Flaherty	1921

PETITIONS

Long-term care	
Mr Levac	1921
Mr Christopherson.....	1922
Adoption disclosure	
Ms Churley	1921
Audiology services	
Mr Wood	1922
Highway 69	
Mr Bartolucci.....	1922, 1924
Home care	
Mr O'Toole.....	1922
Competitive electricity market	
Mr Ruprecht.....	1922
Natural gas rates	
Mr Gravelle	1923
Mr Hoy	1923
Children's health services	
Mrs Boyer.....	1923

OPPOSITION DAY

Education, opposition day number 1,	
<i>Mr McGuinty</i>	1924
Mr McGuinty	1924
Ms Martel	1928
Mr Arnott.....	1930
Mrs Dombrowsky	1933
Ms Churley	1934
Mrs Munro	1935
Mr McMeekin.....	1938
Mr Marchese	1938
Mr Gill	1942
Mr Peters	1944
Mr Christopherson	1945
Mr Phillips	1945
Mr Patten	1945
Mr Kennedy.....	1946
Negatived.....	1948

OTHER BUSINESS

Visitors

Mr Patten.....	1911
The Speaker.....	1916
Mr Stewart.....	1921

Errata	1948
---------------------	-------------

TABLE DES MATIÈRES

Mardi 8 octobre 2002

PÉTITIONS

Services de santé pour enfants

<i>M^{me}</i> Boyer.....	1923
----------------------------------	------

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Government
Publications



No. 39B

N° 39B

ISSN 1180-2987

**Legislative Assembly
of Ontario**

Third Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Tuesday 8 October 2002

Mardi 8 octobre 2002



Speaker
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Président
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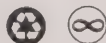
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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 8 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 8 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

RED LIGHT CAMERAS PILOT PROJECTS EXTENSION ACT, 2002

LOI DE 2002 SUR LA PROROGATION DES PROJETS PILOTES AYANT TRAIT AUX DISPOSITIFS PHOTOGRAPHIQUES RELIÉS AUX FEUX ROUGES

Mr Clement, on behalf of Mr Sterling, moved second reading of the following bill:

Bill 149, An Act to extend the red light cameras pilot projects to November 20, 2004 or for an indefinite period / Projet de loi 149, Loi visant à proroger jusqu'au 20 novembre 2004 ou indéfiniment les projets pilotes ayant trait aux dispositifs photographiques reliés aux feux rouges.

Mr John O'Toole (Durham): I am pleased to rise this evening and speak on the second reading of Bill 149 which, by the way, for the members watching, is a fairly large and very comprehensive bill. I'm sure that—

The Acting Speaker (Mr Michael A. Brown): We really needed the Minister of Health to announce that he was splitting his time with you.

Hon Tony Clement (Minister of Health and Long-Term Care): Yes.

The Acting Speaker: Now, the member for Durham.

Mr O'Toole: I am very pleased to split my time with the member for Niagara Falls, Mr Maves, who I hope will be showing up some time later.

Mr Rob Sampson (Mississauga Centre): He's here already, isn't he?

Mr O'Toole: He's not here just yet, but he's certainly en route. It's my understanding—

The Acting Speaker: We're having a little bit of difficulty this evening. You can't split your time. It's the Minister of Health who is splitting his time with you. He could have split it with other people.

Hon Mr Clement: I'd be happy to note that I'll be splitting my time, subject to the approval of the House, of course, with the member for Durham and the member for Niagara Falls.

The Acting Speaker: All right. Now the member for Durham, who will be splitting his time with the member for Niagara Falls.

Mr O'Toole: I thought I was splitting my time with the Minister of Health, but—

Mr Sampson: I was worried that the whole justice system was going to come crashing down.

Mr O'Toole: It could come to a screaming halt.

I do want to make some important comments with respect to the broader issue of road safety. I know this government takes the issue of road safety as very interesting and it's pleased to recognize that the Red Light Cameras Pilot Projects Extension Act, 2002, is the name of the bill. The bill was introduced before our summer recess last June. The purpose of the legislation is to extend the red light camera pilot project for an additional two years, until November 2004. Ontario has the safest roads in Canada and the second-safest in North America. The legislation before us today would build on Ontario's strong record of road safety.

The proposed legislation would amend the provisions of the Red Light Cameras Pilot Projects Act, 1998, which was passed by the Legislature in December 1998. Under the legislation, the province authorized municipalities to install and operate red light cameras at intersections within their respective jurisdictions. I do have a number of comments, and I always like to drive the debate down to my own riding of Durham. Throughout my comments this evening I'll be mentioning a number of people who take road safety as a very serious matter.

The legislation provided for a pilot for two years. However, it now appears that the municipalities have indicated they would like to have more time to assess this technology and its effectiveness. Five of the six municipalities have formally asked the government to extend the pilot project. We as a government co-operate with the municipalities, and that's clear by Minister Sterling's initiative here.

Under the draft legislation we are currently considering, the government is proposing a two-year extension of the red light camera pilot project. These pilots have been underway in six municipalities over the past two years. They're designed to test the effectiveness of red light cameras at major intersections as a deterrent to drivers who run red lights, which everyone in this House believes is unacceptable.

1850

Six municipalities are participating in these pilot projects. They are, for the record, the cities of Toronto, Hamilton and Ottawa, and the regional municipalities of Peel, Halton and Waterloo.

I think it's important to point out that, together with the province, these municipalities have shown tremendous leadership in exploring innovative approaches to enforcing our traffic laws. On behalf of the government, I would like to commend them for their efforts as outstanding road safety partners.

We know that many efforts and approaches are needed to improve safety on our roads. Everyone should take the initiative. That is why, in addition to the red light camera pilot project, the government also asked the participating municipalities to increase their efforts at traditional enforcement mechanisms. As a result, the police service in each municipality undertook special enforcement blitzes to discourage drivers from running red lights. The campaigns were required to last a minimum of 20 hours a year for each year the pilot projects were carried out. The goal here was to give us data as a basis for comparing the effectiveness of red light cameras, traditional enforcement mechanisms and a combination of the two. We're trying to find the best practices to have the safest roads in the world.

By giving the municipalities another two years to study the effectiveness of red light cameras, this proposed legislation would have a significant impact on the future of road safety in Ontario and would certainly be a leading example for the rest of Canada. Certainly, after four years, we will be in a much better position to assess the results of the project which I have described, and with those results, the potential benefits of red light cameras into the future.

Preliminary data show a 40% reduction in red light violations at the test sites. While these results are only preliminary, they suggest that red light cameras may also significantly reduce other potential road safety hazards. They also suggest that it is well worth our while to extend the pilot project for a further 24 months.

All told, the municipalities rotated 18 cameras through a total of 70 intersections. Increased police enforcement took place at an additional 30 intersections in the six jurisdictions.

With an average of just 1.1 road fatalities a year for every 10,000 licensed drivers, Ontario has the lowest fatality rate in Canada and the second-lowest in North America. That deserves your attention, and it deserves the support of this House.

Ontario can be proud of its outstanding record in road safety—and I commend our Minister of Transportation, Norm Sterling, for introducing this comprehensive legislation.

Our government will continue to place a high priority on maintaining the province's excellent record in road safety, while continuing to work for safer roads in the future. This is a relentless campaign for road safety. Red light cameras may have an important role to play in the future of road safety as well. Extending the red light pilot project that has been underway for the past two years will help us to determine what their role should be going into the future.

The bill would respond to the municipalities' requests by letting the pilot projects continue until November 20, 2004. If evaluation shows red light cameras are an effective tool, this legislation contains a provision for repealing the deadline for completing the pilot project before November 20, 2004, through an order in council. In effect, that would make this legislation permanent.

The proposed legislation is designed to improve road safety, safety on our roads generally and driver attitude toward red lights. Ultimately, it would help us save lives. So I would ask my colleagues in the Legislature to join with me and our government by supporting this very important initiative.

When I work with the local police services in my riding of Durham, I'm continually amazed by the volunteer participation in projects which I want to speak about for a moment. Those projects are Clarington Roadwatch and also Scugog Roadwatch, and I believe there's one in almost every municipality in Durham. With your indulgence, I'll read the names of these volunteer participants on the Roadwatch committees, and I thank them for their service: Constable Keith Richards, John Bate, Evylin Stroud, Lorna Lamers, Cheryl Reynolds, Ron Radcliffe, John Bird—not to be confused with John Baird—Annette Kukemueller, June Dey, Sandy Lyall, Karen McCauley, Ron Baker—who's the traffic coordinator for the municipality of Clarington—Gail Gosleigh, Christina Munday, Diane Serra and John Wilson. These are the members of the Clarington Roadwatch committee.

For those viewing, Roadwatch is an implemented program in each municipality where you and I, as drivers on the road, have a role to play in policing safety on our roads. If you notice someone violating the Highway Traffic Act, or any other traffic violation—a red light, not stopping at an intersection and other violations—simply take down the number and deposit it in a box or a collection point for the Roadwatch program, which is widely advertised in the area. That letter and that box of information are sent to the police—the Durham Regional Police in this case. They look up the driver's record and also send them a notice of the violations of which they've been observed to be in non-compliance. On one or two or three of these violations, they eventually have to attend an interview. But it's a good reminder for those who can't tolerate those people who are indifferent to the rules of the road, and also a reminder to those who are violating the rules themselves.

I also want to mention the Scugog Roadwatch. Scugog's main municipal area is Port Perry. There's Blackstock and Nestleton and other areas very close to Uxbridge. It's a rapidly growing, beautiful community in my riding of Durham, and the chair there is Fred Heap; the secretary, Bill Craning; former regional councillor Ken Gadsden, who's now retired; his wife, Margo Gadsden; Ken Carruthers; George Costain; Jean Costain; Marion Lee; and Constable Lee Smith.

Again, Roadwatch is but one initiative that I believe each of us can take an active role in in making our roads

safer, not just in Ontario but in setting a good example for our children and young people.

Working in co-operation throughout the Durham region, I want to put on the record the important work and contribution by the Durham Regional Police, led by Chief Kevin McAlpine, Inspector Tom Cameron, Staff Sergeant Alan Mack, Bowmanville Constable Pat Burke, Newcastle Constable Tom Martin, rural Constable Greg Knopp, Courtyce Constable Peri Naccarato, Port Perry Inspector Mike Ewles, Inspector Dietmar Schoenrock, Oshawa Inspector Bob Chapman, and Doug Cavanaugh, president of the Durham Regional Police Association. Doug is the new police association president, and I believe he is a person I intend to be meeting shortly and have met with in the last while.

Durham Regional Police, and I believe the OPP as well as our Minister of Transportation, like all of us here today, want to have the safest roads for our children and for all the citizens of our ridings and, of course, this great province of Ontario.

At this point in time, with the very few minutes I have left, I relinquish the floor to my good friend Mr Maves, and hope that everyone will support this important Bill 149.

Hon Doug Galt (Minister without Portfolio): On a point of order, Mr Speaker: I wonder if the members present would consider unanimous consent to allow the member from Parry Sound to speak following the member from Niagara Falls.

The Acting Speaker: Mr Galt has asked unanimous consent that the member for Parry Sound-Muskoka be included in this leadoff speech. Agreed? Agreed.

1900

Mr Bart Maves (Niagara Falls): I rise today to support the second reading of the Red Light Cameras Pilot Projects Extension Act, 2002. As my colleagues will recall, the Minister of Transportation introduced this bill for first reading at the end of June, just before we broke for the summer recess.

The latest statistics show that Ontario has the safest roads in Canada and the second-safest in North America. The proposed legislation before us today would build on our impressive road safety record and on the success of the Red Light Cameras Pilot Projects Act, 1998, which was passed in this Legislature in December 1998. That legislation, you will recall, authorized several municipalities in the province to install and operate red light cameras at selected intersections for a trial period of two years.

Under the proposed bill, the House would authorize a two-year extension of the pilot projects that have been underway in six municipalities over the past two years. Those projects are designed to test the effectiveness of red light cameras at high-risk intersections in deterring drivers from running red lights. This bill would allow the pilot projects to continue until November 20, 2004.

As I mentioned, Ontario already has an outstanding road safety record. We're very proud of that record. Our roads are the safest in Canada, and the second-safest in

all of North America. I want to reiterate so the people at home realize that. It's an impressive statistic. Our government is proud of this record, but we also recognize there is always room to improve. Maintaining the province's excellent record in road safety will continue to be one of our top priorities, and improving the safety even further of Ontario's roads is the goal of this bill.

I think it is important to point out that red light running is a significant cause of fatalities in Ontario. Based on highway traffic data for the year 2000, red light running accounted for more than 7,000 collisions and more than 3% of all traffic-related fatalities.

From the same data, we also know that at municipal intersections in the province, almost one quarter of all collisions occur at intersections where there are traffic signals, and more than 14% of those collisions can be attributed directly to drivers who run red lights.

The sad fact is that almost half of all deaths at municipal intersections that have traffic signals are caused by drivers who run the red light. Clearly, we must continue our efforts to improve driver behaviour by reducing and eventually eliminating this dangerous and irresponsible practice.

The annual cost of collisions in Ontario has been estimated at approximately \$9 billion. And the cost of red light running, including hospital bills and property damage, has been estimated at close to \$300 million. Those costs are significant. But we cannot put a price on the pain and suffering that are caused to thousands of people who are injured in collisions each year, nor can we put a price on the pain and suffering of those who lose their loved ones in a collision with a driver who runs a red light.

As I have already mentioned, the legislation authorizing municipalities to implement a red light camera enforcement pilot project was passed in December 1998. The legislation called for a two-year pilot period during which participating municipalities would evaluate the effectiveness of red light cameras in preventing collisions at intersections.

Six municipalities decided to participate in the pilot projects. They are the cities of Toronto, Hamilton and Ottawa, and the regional municipalities of Peel, Halton and Waterloo. Over the past two years, these municipalities have taken a lead role in implementing red light camera pilot projects.

All stakeholders believe that a concerted effort is required to improve driver behaviour and that it will take a combination of enforcement and education measures to end red light running. As a result, in addition to undertaking the red light camera pilot projects, the participating municipalities were asked to step up their traditional enforcement methods.

In each participating municipality, local police conducted traditional enforcement blitzes on red light running for at least 20 hours during each year of the pilot project. The idea here was to have a basis for evaluating the effects of increased enforcement and the operation of red light cameras.

Under the existing legislation, the red light camera pilot projects are scheduled to end on November 20 of this year. However, five of the six participating municipalities have formally asked the province to extend the legislation and allow the pilot projects to continue for another two years.

The draft legislation currently before us responds to the municipalities' requests to extend the red light camera pilot projects for a further two years. This additional period would enable them to gather more information on the effectiveness of red light cameras as a deterrent to drivers who run red lights.

In terms of the reaction to the projects so far, it would appear that the public is generally very supportive of red light cameras. A recent Environics study indicated that red light cameras are supported by some 55% of all Canadians. Here in Ontario, however, support was much higher, at 84%.

I would also point out that a number of other transportation stakeholders, including the Canadian Automobile Association and the Canada Safety Council, have also expressed their support for extending the red light camera pilot projects.

As I said earlier, Ontario currently has the safest roads in Canada, and improving intersection safety represents an important part of our government's broader efforts to reduce aggressive driving throughout the province. Traffic statistics and common sense tell us that drivers who disobey red light signals pose a serious hazard to other road users and to themselves.

Ultimately, red light running needs to be addressed through a combination of public awareness, vigilant enforcement and effective legislation, all of which are geared to changing driver behaviour. While the government continues to believe that traditional police enforcement measures represent a highly effective means of targeting drivers who run red lights, we want to give our municipal partners a chance to test and evaluate this additional tool for reducing red light running.

As a result, the government is proposing legislation that would extend the red light camera pilot projects for a further two years. That extension would give us a larger database to assess the effectiveness of red light cameras in enforcement.

I have spoken to some of the representatives of the municipalities that have had red light cameras and they feel that they need this two years to gather more data and they need the time to look at the current data they've collected over the past two years to determine the actual effectiveness of red light cameras. By drawing on that enhanced data, we can better decide on the extent to which this technology should be used in the future.

I don't know if red light cameras are the answer. I know that there are other jurisdictions around the world that attempt to use different technologies: red light cameras and speed cameras on the road. I know that in London you feel like you're being watched. Every block that you go you see a camera on the road somewhere. I don't know if that is the answer, and I think the

municipalities that have run the pilot projects with the red light cameras believe they've been effective to date. But, as I said, they're unsure as to the total effectiveness of the red light cameras. We're unsure and other municipalities that may be interested in red light cameras are unsure if they want to move there. So I think this step with this bill, to extend red light cameras in those five jurisdictions for two more years, is a wise one. Unfortunately, I wish it didn't take legislation to do that, but it does. So we're here tonight to pass this legislation. I'm going to support it. I believe my colleagues on all sides of the floor will support it.

Now I'm going to turn over my remaining time to the member from Parry Sound—whose riding is actually called Parry Sound-Muskoka—the good Mr Miller.

Mr Norm Miller (Parry Sound-Muskoka): Thank you to the members of the Legislature for unanimous consent to allow me to speak. I join the members from Durham and Niagara Falls this evening in talking about the Red Light Cameras Pilot Projects Extension Act, 2002.

Mr Speaker, as I went by, you mentioned that you didn't think there were any traffic lights in the riding of Parry Sound-Muskoka, but I can assure you we do actually have traffic lights, although I do remember a time when I was growing up in my town of Bracebridge when there wasn't a single traffic light there. It was a big deal when we got our first traffic light. But things have been booming in the riding of late, so we have quite a few traffic lights now.

This bill represents an important provincial initiative in the area of road safety. It was introduced last June by the Minister of Transportation, the Honourable Norm Sterling, and our government would like to see it passed early in this session.

1910

The proposed legislation is designed to amend some of the provisions of the Red Light Cameras Pilot Projects Act, 1998. That statute was approved by this legislation in December 1998. Its provisions authorize municipalities to install and operate cameras at intersections as a tool to help reduce red light running. The act provided municipalities with the authority to conduct red light camera pilot projects for a two-year period. The participating municipalities are conducting a study to assess the effectiveness of red light cameras at high-risk intersections as a deterrent to drivers who run red lights.

Under the proposed bill, the pilot projects would be extended for another two years, until November 2004. However, the bill also provides that the date when the pilot projects are scheduled to end could be repealed by order in council. If red light cameras are deemed effective in reducing red light running, the red light camera legislation would become permanent.

As the members know, Ontario has made great strides in road safety. We have the best road safety record in Canada and the second-best in North America. Our government is proud of this record, and we have worked hard with our partners to earn it. We have implemented

some of the toughest road safety laws anywhere in the world. At the same time, we have implemented a comprehensive action plan for road safety.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Speaker: I would like to seek unanimous consent at this very moment to request the Sergeant at Arms go out and find a single Liberal.

The Acting Speaker: I heard a no.

Mr Miller: I'm sure we'll find a Liberal somewhere.

We have proven that graduated licensing of new drivers not only works but it also can and does save lives.

Over the past few years, our government has made a consistent effort to improve driver education and awareness. One of the most important messages we've tried to convey is that all drivers need to exercise extreme caution when they are entering and crossing through intersections. These education efforts are important, but we also recognize that education alone is not enough, because it takes many years to change long-term driving habits.

As a result, we have also stepped up our efforts to enforce road safety. As I am sure all members are aware, the Ministry of Transportation and the Ontario Provincial Police team up regularly on special enforcement campaigns, everything from drinking and driving to commercial truck safety. Recently, fatigue is the new focus that the OPP is starting to focus on, to try to raise awareness of driver fatigue. In know in my area, there is the Driver Reviver pilot project that was started this summer just north of Huntsville by Constable Harry Rawluk of the OPP. Of course the government and the police can't do this alone. We in Ontario are fortunate to have a wide range of committed road safety partners.

The province also took action in August 1998 to bring in stiffer penalties under the Highway Traffic Act for drivers who run red and amber lights. We increased the fine for running a red light from a minimum fine of \$60 to a minimum fine of \$150.

Red light running is a dangerous and irresponsible practice. It is also a significant cause of injuries and deaths on Ontario's roads. In the year 2000, for example, red light running accounted for almost 3% of all collisions and a total of 26 traffic-related fatalities. Some 23.7% of all collisions at municipal intersections happen at intersections with traffic lights. Of these crashes, a significant number are caused by red light running. In fact, in the year 2000 alone, 48% of deaths at municipal intersections with traffic signals were caused by red light runners.

It is clear we need to work harder to change this aspect of driver behaviour. It is also clear that, left unchanged, that behaviour will continue to have huge social, economic and emotional costs.

Every year, collisions in Ontario occur at a tremendous cost to our society. In fact, this cost was previously estimated at \$9 billion. When you factor in the cost of hospital bills and the damage to personal property, the cost of red light running is reckoned to be about

\$300 million per year. That's a lot of money, but certainly you can put no price on the injuries and deaths that occur as a result of red light running.

Because of this, the six municipalities currently participating in the pilot projects asked the province to enable them to test red light cameras. The province responded by passing legislation allowing a two-year pilot project. The six participating municipalities are the cities of Toronto, Hamilton and Ottawa, and the regional municipalities of Peel, Halton and Waterloo.

In addition to piloting the red light cameras, the six municipalities have also conducted a number of enforcement blitzes on local roads in co-operation with local police. The goal of this dual approach is to help determine the effectiveness of red light cameras compared to increased traditional enforcement.

The initial results of the red light camera projects are promising, but the municipalities feel they need a longer period to evaluate this technology. Under the existing legislation, the red light camera pilot projects are scheduled to end on November 20 of this year. Five of the six municipalities have asked the government for a two-year extension on these pilot projects. The government is seeking the Legislature's approval to let the red light camera projects run for another two years. Under the proposed legislation, we would extend the end date of the projects to November 20, 2004. This extension would respond directly to the municipalities' requests, and it would give them more information and more time to assess the effectiveness of the cameras as a deterrent to red light runners.

Last March, the first report was released. The preliminary data suggest that there has been a 40% decrease in red-light-running violations at intersections where the cameras were installed. That's quite a significant decrease. While these are only preliminary results, the province believes they show enough promise to warrant the continuation of the pilot projects for another two years so more evaluation can be done.

I referred earlier to Ontario's excellent road safety record and I suggested that the government will continue working with other levels of government, as well as our transportation safety partners, to improve the safety of our roads. In particular, we will continue working to reduce aggressive driving in all forms, including the running of red lights. We know that when drivers disobey traffic signals, costly and tragic collisions are often the result. We need to reduce and eventually eliminate this behaviour, to protect all road users and to save lives.

The proposed bill would give Ontario more data on the effectiveness of red light cameras, and that data would help us assess this potentially beneficial technology more effectively so we can determine where it fits in our future road safety plans.

I would like to conclude my remarks today by urging my fellow members to join me in supporting the prospect of safer roads in the future by giving their unqualified support to the bill.

The Acting Speaker: Questions or comments?

Mr Rick Bartolucci (Sudbury): I rise to comment on what the members on the government side said about Bill 149, the Red Light Cameras Pilot Projects Extension Act, 2002.

I think this is not only a vindication of Mike Colle but also an admission on the part of the government that in fact his red light bill, the act he introduced, was excellent legislation. I remember at the time the nays on the other side, the hoots and the screams, and all of a sudden what we have is his act implemented by the government. Again, another idea from the Liberals which is taken by the government and used effectively. We don't mind that. In fact, we're getting rather used to it, and it's fine.

The bill was Bill 20. It was introduced by Mike Colle.

Mr Bill Murdoch (Bruce-Grey-Owen Sound): That just shows how open-minded we are.

Mr Bartolucci: The member from Bruce-Grey-Owen Sound is making some noises. This is the same guy who wants to be included in the northern health travel grant because he thinks Owen Sound is in northern Ontario. That says much for the member from Bruce-Grey-Owen Sound.

I want to commend Mike Colle. It was indeed his initiative which caused the government to act. This act saves lives, there's absolutely no question, and cuts down on carnage in the streets of Toronto. But you know what? It would be nice if for once the government stood up and said, "We'd like to commend the member, Mike Colle, who was interested enough to put forth good legislation." It should be in his name. It isn't. He understands the politics of the situation. The reality is you want to extend something that Mike Colle introduced.

I say congratulations to Mike Colle and to this government for wanting to extend his idea.

1920

Mr David Christopherson (Hamilton West): Three quick things about Bill 149 and the government's comments: first of all, I don't say this very often because of all the legislation you've taken out of this place and put into regulations, which means it doesn't see the light of day, but I have to tell you that in my opinion, it is not the best use of this Legislature that we actually have to have a law passed to extend a pilot project. Of all the powers that you've given to the Executive Council, it seems to me that this would be pretty straightforward to give to the Minister of Transportation, with a notification in the Gazette that indeed a regulation had been passed saying you're going to extend the pilot. To take up the time of this place—we have crises in health care and education, the economy is going in the ditch, all kinds of concerns about whether there's going to be a war or not, and here we are having to pass a law. That's the first point. I don't think this issue justifies passing a law. Therefore, I think when you originally framed the law, this extension should have been allowed by regulation.

Second, there's a word that I can't use, but what it means is you say one thing and do another. You made a big deal about getting rid of photo radar because it was a populist thing to do, but at the end of the day, that's what

this is. I didn't hear any of the members speak to that fact. My colleagues in the Liberal Party are correct: you had to be dragged kicking and screaming; you wouldn't let municipalities do this. Why? Because you didn't want to be called the "H" word; because you knew exactly what this was. This is saying one thing and doing another. There's an "H" word, and we can't use that word, but that's why you didn't want to allow it. Eventually, under public pressure, you did. But it doesn't remove the fact that you could save lives on the QEW and on other major highways if you brought photo radar back. There's no difference between this and photo radar except politics.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to comment and get involved in this debate. Certainly, this is not about politics; this is about safety. It's the municipalities that have participated in the red light camera pilot project that requested the province to extend this legislation. The request and the proposal in this legislation would be until November 20, 2004. It's at the request of municipalities. This is a safety issue, and really it allows the province to evaluate the success of this particular pilot project.

Interjection.

Mr Tascona: Thank you, Mr House leader. The House leader is helping me here.

As we know, the municipalities with respect to this particular issue are Toronto, Hamilton, Ottawa, Peel and Waterloo, fairly large municipalities. This is a serious issue dealing with people running red lights and issues with respect to people making right turns where they're not supposed to make right turns and they see a red light. There really is a difficult issue, in terms of safety, with respect to this province and in terms of the way things are handled, especially for young children, in terms of their expectation of whether they can cross the road or cars going into intersections. This becomes a very dangerous environment.

The fact of the matter is this is not a political issue. Ownership of this issue is strictly in the safety of what we can provide through this legislation. So the legislation is going to be extended for two years, and it's at the request of the municipalities.

Mr Richard Patten (Ottawa Centre): It's quite obvious that this enormous bill of three quarters of a page—

Hon Mr Stockwell: You read it?

Mr Patten: Yes, I did, completely—essentially says that at the request of the municipalities we will extend the time for them to study and consider more thoroughly, even though we have strong indications so far, the data related to the significance of this program.

I want to add my voice to that of the member for Sudbury, who congratulated our friend Mike Colle, the member for Eglinton-Lawrence, for putting it forward, and he more than put it forward. I recall back in 1998—for those of you who know Ottawa, the King Edward-Rideau intersection is the one area where major trucks come into and leave the city. It has caused several deaths

inordinate to the numeric traffic, but the volume of major trucks in particular. One of the families that were there—Roger Laporte, who has a horticultural nursery, lost his son on that corner. He and his wife were there to talk to other people to suggest that this kind of a device would be helpful in stopping people from running red lights. The campaign certainly wasn't limited to Ottawa; it was in Toronto and Hamilton.

I want to applaud Mike for his efforts on that score. The government picked up and moved a bill, and I acknowledge that they did so and they're doing so again. But it would be nice to hear from them from time to time to acknowledge the original creator of the concept and the original leader in this particular House.

The Acting Speaker: Further debate?

Mr Mike Colle (Eglinton-Lawrence): I want to thank all those who spoke before, on both sides of the House. I certainly want to thank my colleagues the member for Sudbury and the member for Ottawa Centre for those kind words about the work that was done in getting this legislation to become a reality.

The most important thing here today is that this shouldn't have required legislation; it should have been an automatic trigger in the original legislation. But I guess nothing is perfect, and I certainly welcome the fact that the pilot project has been extended.

No matter whether you're in the provincial or federal House, we can't forget that old adage from Tip O'Neill: everything that is important comes from a local base. Sometimes I talk to politicians, federally and provincially, and they say, "That's a local matter. I don't want to deal with traffic safety. Leave it with the local police, council or mayor." But as provincial lawmakers, I don't think we can forget the fact that the safety of people walking, using transit or motor vehicles across this province, be it in big cities, small towns or hamlets, or on our provincial highways, is of utmost concern to this Legislature. If you ask people what is the most dangerous thing they do every day of their lives, they will all tell you it is getting into their cars.

There isn't enough attention paid to safety on our roads and streets. There are literally millions of dollars lost in extra health care, damage to property and vehicles, as a result of car accidents which occur much too frequently. I was happy to see that Ontario statistics for car accidents and collisions were actually some of the lowest in Canada, which was very welcome. That's something I think we sometimes gloss over, but investing in safety and making laws that make our streets safer are critical roles that we have in this Legislature.

What prompted me to get involved in promoting this concept of adding cameras at intersections was that in my riding at that time, at the St Clair-Dufferin intersection, there were nine people waiting for a streetcar, and a car at high speed ran up on the safety island, the streetcar island, after running a red light. It wasn't so much even the fact of the tragic thing—there was one person killed and six or seven people badly injured—the fact is that the person who ran the red light essentially got off with a

slap on the wrist. I think the fine was something like \$300. They didn't even lose their licence. The people in my community, in the city of Toronto at that time, asked me if there was anything that could be done, because they were sick and tired of seeing people disobey traffic signals. They were routinely running these lights, running the orange into the red, but mostly running the red, at that intersection. They asked if there was anything we could do.

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I approached the Metropolitan Toronto police and the metropolitan transportation experts and asked them if there was any potential way of averting these tragic accidents in the future. They looked at a variety of different measures. Some people suggested more police at the intersections. I remember talking to Chief Julian Fantino, at the time, and Deputy Chief Boyd, who said, "Listen, we cannot babysit the 1,500 intersections in Toronto that have lights. We can't be there."

The police also told me that even if they were at the intersection when the infraction occurred and the person ran the red light, when they went to court to try to testify to the fact that person ran the red light, invariably the charge would be thrown out of court, because it was almost impossible to verify the testimony of even a police officer who was at the intersection and for his testimony to be taken seriously. The defence lawyer would invariably talk about a thousand different things that might have happened in terms of the light, the angle, the other people, the obstruction.

The police in Toronto and Ottawa to whom I talked said they were frustrated spending days and days in court trying to get a red light runner convicted of a fine when they were witnesses, and they could never do it. They said it was rare that a police officer's testimony, or anybody's testimony, would ever be taken into account when a person ran a red light. In essence, these red light runners were getting away with it, because they knew they could get away with it in court.

The police were very supportive of using this technology to try to make their job easier, but also to protect and save lives. The police said they welcomed technology as long as they could be part of the stakeholder process in coming up with the technology. So they were part of it. They agreed that this would enhance their work and would also act as a deterrent.

This is the other aspect of this technology in that these red light cameras are put at the most dangerous high-collision intersections in a city or municipality. They are the ones the police already know. In some cases, these accidents and these red light runners have been going through these intersections sometimes for 10 or 15 years and nothing has been done. So the police, right off the bat, knew the intersections. They said, "We know where we would put them. We've got a list. You can put them up tomorrow. We know where they run red lights all day long." This is how bad it was getting.

So a pedestrian coming the other way would assume they could cross at the green. But no assumption could be

made, because people were routinely running—not even on the orange; they were entering the intersection when it was already red. This is how bad it was getting, and this is how bad it still is at certain intersections.

I should mention that some of these intersections which were the scenes of habitual red light runners in the city of Toronto were Dufferin and Finch, Don Mills Road and Sheppard, Bayview and Eglinton, Finch and Signet, Jane and Finch, Leslie Street and Sheppard, Keele and Wilson, Yonge Street and Steeles, Don Mills and Eglinton, Jarvis and Lakeshore Road. These were constant problems for the police, so the police welcomed anything that could deter these people disobeying the law on a routine basis and getting away with it. The tragedy of it was that people were getting hurt and there were, as I said, serious accidents continually at these intersections.

Then, I found out that not only was this the case in Toronto, but it was the case in almost every major municipality. We went to Hamilton and had meetings in Hamilton with city councillors and the police there. They said there were two or three major intersections in Hamilton where it was a problem. The same thing in York region, where there is a horrendously dangerous intersection at Weston Road and number 7. At Weston Road and number 7 in York region, it wasn't only cars habitually running red lights, but it was also huge trucks routinely running red lights. So you almost took your life in your own hands if you tried to cross as a pedestrian at Weston Road and number 7.

Also in Ottawa, as my colleague Richard Patten said, there was an extremely dangerous intersection at Rideau and King Edward, and that was another intersection with a lot of trucks routinely running the red light. The police had tried time and time again with all kinds of extra surveillance etc; they'd come right back the next day and run more red lights. So I know in Ottawa they certainly were one of the leading municipalities in advocating the red light technology. I think it was Councillor Diane Holmes from Ottawa, who was on regional council at the time too, who was a great advocate of red light cameras in the city of Ottawa. That's why Ottawa has them.

My colleague Jean-Marc Lalonde was there when we went into the area of Cumberland and Orleans, where there had been a horrific accident; one of Mr Lalonde's constituents was killed by a red light runner, a young, vibrant man by the name of Michel Laporte, who was a member of a long-established family in Cumberland-Orleans. The father, Mr Roger Laporte, was so distraught that his son was on his way to work and was hit and killed at an intersection by a red light runner. Then, when Mr Laporte went to court, he was even more distraught because the person who was convicted of careless driving, or whatever it was, basically got off with a slap on the wrist. This person had a record of being previously caught for driving carelessly and for running red lights. Yet that person was still with his driver's licence, was still driving carelessly.

Mr Laporte, the father of the young man who was killed, Michel Laporte, was just at his wits' end and had

contacted Mr Lalonde, the member for the area, and said, "Is there anything that can be done? I don't want my son's life to be lost in vain." He said how can it be possible that this individual still had a driver's licence, how can it be possible that all the courts could give him a slap on the wrist, and how many more people have to die before lawmakers, politicians do something. I remember Mr Laporte even came all the way to Toronto, he was so upset. At that time we were asking Premier Harris to adopt my private member's bill, and he was just beside himself when he heard that Mr Harris, the Premier at the time, was not interested in such legislation and thought it wasn't necessary etc.

It was through the efforts of people like Mr Laporte, who had to tragically lose his son through this, that more and more people became aware of this blight, this very dangerous red light running which was endangering the lives of innocent motorists and pedestrians right across this province, especially in some of our larger cities.

1940

The thing that was most apparent in looking at this type of technology was that in many other jurisdictions this type of technology was working very well. I did a lot of searching on the Internet and talking to people by phone in Australia, where the technology was in place for over 15 years. In cities like Melbourne, Brisbane and Sydney they used the red light cameras very effectively and they were saying that in some instances the amount of red light running was cut down anywhere from 33% to 70%. I also talked to people in London, England, where they use the technology, Israel, some parts of Arizona, New York state and parts of Pennsylvania. So this technology was essentially very established.

It's just the use of high-resolution cameras. These high-resolution cameras take a picture of the signal and at the same time they take a picture of the licence plate. So there is no doubt that the technology is able to capture the car entering the intersection on red and it clearly shows the licence plate. It's that definite in terms of its resolution.

Once the photo is taken and recorded on the tape, it is then viewed by local traffic authorities or the police. Then the people who are caught running the red—and I'm not talking about people who enter the intersection on orange but people who enter the intersection on red—are therefore sent a fine. The fines can range up to \$120 if you're caught entering an intersection on red and recorded on camera.

This kind of technology, I feel, is part of the new generation of solutions to making our roads, our highways, our streets safer. As you know, Mr Speaker, it's not as challenging perhaps—or maybe it is challenging; I'm just saying in terms of the amount of road rage and traffic gridlock we witness in southern Ontario or the GTA compared to Manitoulin. I'm sure you have your cases of road rage there too.

It is just getting so intense on our roads. People are so anxious because there is more and more traffic, more and more gridlock, more and more frustration on the roads.

People are weaving in and out, trying to get to work or to an appointment. It gets to the point where sometimes people forget the fact that they are behind a vehicle at such high speed that they could do serious damage to themselves and others. As we all witness it, those of us who are in our cars, we do get very upset, especially when we're in a hurry or late, and we sometimes behave as we shouldn't. That's what sometimes perpetrates a lot of this running of lights, high speed and erratic driving.

As our roads become more and more tied up with gridlock, as more and more frustration and road rage builds up, I think the pressure on the provincial government or municipal governments to make our roads safer is going to have to increase.

Right now the police do an outstanding job, but the police cannot be everywhere. As many police officers told me, "Listen, I can't afford to be chasing traffic violations all day, because I've got such a workload in terms of break-and-enters, people selling crack cocaine or domestic violence. I wish I had more time to be on the roads, to be on the highways, to try and catch some of these people who are risking their lives and the lives of others, but the police resources are limited." I think that the more technological devices we can use to enhance, support and supplement what the police are doing, the safer our roads will be.

I think not only was this technology's advent long overdue; we should be looking at all kinds of other technological aids in terms of traffic control. Right now, we essentially do some innovative things on the 401 and major highways where we have digital signs which indicate that traffic is snarled up ahead etc, but we don't really do enough to manage our roads and the flow of traffic. It is all done haphazardly, accidentally, and there isn't enough of a systematic, comprehensive approach to traffic management. That's why something like this technology is, as I said, part of a whole series of strategies we could use to make our roads safer. In fact in many cases it helps our traffic move more smoothly so that we don't build up anxiety in people right across this province, and we are.

The startling statistics demonstrate that half of the collisions that occur on our highways occur at intersections. If there's a place where you're in great danger when driving a car, it's at an intersection. That's when you have the turning of cars and sometimes people trying to get through an intersection, with or without lights, at high speed. Intersections are very vulnerable places. This is why, again, I think this technology doesn't solve all of our problems caused by careless and reckless drivers, but it does act as a deterrent. It acts to basically remind us that we have to obey the signals. Not enough people obey the signals. We all, I guess, think that we can go a little faster. We think we can perhaps go on the orange all the time. We're always on the run. That's why, I think, if they know that there are cameras there, we've got an opportunity perhaps to remind people that running lights or speeding can cost you in the pocketbook.

The good thing about this project too is that it also allows different municipalities to perhaps see how this technology works. I know the people at the transportation department of Toronto are very happy with the results they've seen. They want to continue it, as did the other municipalities. I guess one of the sources of dismay they have is that they constantly need to get provincial authority for this kind of thing. Many municipalities say, "We are municipalities of 400,000-plus," like Hamilton or Ottawa, "and growing ever faster, with 600,000," and Toronto. They still have to go on bended knee to Queen's Park asking to put this kind of technology in their cities. Really, I think the time has come for this provincial government to allow cities that have good ideas about making their streets safer to implement such technologies rather than having to come to Queen's Park all the time for permission to do this. I think it's about time municipalities that have done their research get the freedom to basically try new, innovative technologies, because they know what's best for their streets. They know what's best for safety in their jurisdiction, yet they have to get Queen's Park's permission.

1950

We spent about three years, I guess, trying to get Queen's Park to approve this technology as a pilot project, and now even the extension of the pilot project, as the member from Hamilton said, has to come back here for more approval. I think it is about time this government and this Ministry of Transportation started to treat some municipalities as mature government jurisdictions. Instead, it keeps on babysitting them and treating them as if they don't know what they're doing.

I think in many cases in terms of road safety, some of our municipalities have better expertise than the province has. The province has the whole province to take care of whereas the traffic engineers, the police forces, the transportation professionals in municipalities know first-hand what's best for their intersections or their streets or their municipality. They have that daily experience, rather than the province imposing some kind of requirement or solution from on high, when they know very little about the daily challenges in a city, a town or a village.

In this case, we are still at the stage where municipalities like Hamilton and Toronto have to constantly come back here for more approvals to continue this project. I still haven't had an explanation why we need this constant approval by Queen's Park for everything. They talk about Big Brother. Well, I think Big Brother is here at Queen's Park.

It's also interesting that despite the red light cameras, people are still running red lights. In the year 2001, the Toronto pilot project caught 9,000 motorists running red lights on camera. That was in Toronto, over a one-year period. They still do it even though the red light cameras are there. But the number of red-light-running incidents has been reduced and the number of serious collisions has been reduced. That's why people in Halton region, for instance—in fact, Halton is the only one that has not asked for an extension. I'm not sure why. In many cases

perhaps it's a matter of financing etc, but the other municipalities have asked for an extension. I was glad to see that at least the minister agreed to have an extension of this legislation so that the other municipalities can continue to use this program and iron out perhaps the technical adjustments that have to be made.

There was only one suggestion I made to transportation officials about this technology. I thought it wouldn't hurt if at certain red light intersections where the cameras are, you could also try in some cases a warning sign in advance. In other words, about 100 metres before you come to the intersection, why not have in some cases even a blatant warning sign that says, "You are entering a red light camera intersection," or "Beware. Slow down." I think that alone would be a bit of a deterrent and would make people slow down as they entered the intersection. I don't see why they couldn't try that at a few intersections.

As you know, these cameras can cost up to \$90,000 each. They are extremely sensitive, extremely sophisticated, but the amount of money collected in tickets pays for the price of the technology—the cameras, the film and the maintenance. So the cameras pay for themselves.

Interjection: How much are the cameras?

Mr Colle: It's \$90,000 a camera.

What I've said too is, what is the cost of a serious collision at an intersection when a car gets T-boned? What is the cost of a person, a loved one, a child or someone getting seriously injured in an intersection because of red light runners. I think the cost is worth it. It's something that definitely works, as even the pilot projects have proven. People all across the GTA and Ottawa certainly think the project is worth keeping and perhaps, in one way or another, could be expanded if the government allowed other municipalities to do this kind of technological safety enhancement without going to Queen's Park all the time.

The other aspect of this bill also reminds us that there are so many things we could be doing to educate not only adult drivers but young children and teenagers about road safety. You get your driver's licence and you're never really asked to look at the issue of safety or safe driving again. It's almost automatic that you keep your licence. A lot of young people who get their licences don't realize that it is a privilege and a right combined to drive a car. If you turn on a television or radio station, there are very few reminders given to us about the responsibility of driving on our roads and highways. We're all human and we all forget about safety.

I know there was a doctor who recently suggested that people who were in accidents where it was proven they didn't have a seat belt on should perhaps pay some of the medical costs of the accident. The doctor worked in emergency rooms where he saw people coming in who wouldn't been considered an emergency and wouldn't have required life-saving surgery if they'd had their seat belts on. Every now and then the OPP and the local police do a blitz, but I don't think there are enough reminders given in terms of, "Don't forget, that seat belt

buckled up will save your life." We all have to do more of that, and I would hope that this Ministry of Transportation would enhance that type of driver education, safety education and be in our schools, our high schools especially, and teach our young people and remind them of the serious responsibility there is in driving a car.

As you know, our speed limits are 100 kilometres, but most of the cars that are on our roads now can easily do 180, 200 or 220 kilometres. I don't know what they can do, but you've got these huge engines that can go at incredible speeds. It's inviting for motorists to say, "Look at the power I've got in this car." You see these people in these Porsche Boxsters driving along the highway at incredible speeds.

I think we have to remind people that, yes, you have the right to drive and the privilege of driving, but you don't have the right to endanger other people's lives. That's the biggest concern we have. It's not just your right to drive or your right to be behind the wheel of a Maserati or a BMW; it's the responsibility you have to the other innocent people who are on the highways or who may be crossing an intersection as you drive.

2000

Again, most of us have seen the increasing road rage, the increasing gridlock, the increasing anxiety on our highways, yet we know that very little long-term, comprehensive planning has been done to alleviate this. That's why I've been a great proponent of not only more safety on our municipal roads and highways but also of using public transit to alleviate the stress and pressures on our roads.

As you know, this is the only government in the western world that doesn't give any money for the operation of the public transit system. It throws one-time capital funds at things, but it's the only government that requires the Toronto Transit Commission, for instance, to get 85% of its revenues from the fare box—I don't know what it is in Ottawa; it's probably about 65%—and then the other 15% has to come from property taxes. That's unheard of, whether you go to Germany, England, the United States, Ireland, anywhere. In all those jurisdictions, the government responsible for transportation subsidizes the operation of public transit's operating side. The Mike Harris government unilaterally walked away from that kind of operation funding which had been the hallmark of Ontario for decades. We can't really make our roads safer—I don't care how many highways you build—unless you take the pressure off. Public transit is one way of alleviating the pressure on our highways. I ask anybody if driving on the Don Valley Parkway or the 401 isn't a real test of your driving ability—it is extremely dangerous because of the volume of cars and trucks.

As you know, the trucks on the 401 are all there because of the high cost on the 407. The tolls are the highest in the world. The trucks in southern Ontario have to use the 401, because the 407 highway, which we gave away to a Spanish consortium for a song, is too expen-

sive. Therefore, all the trucks are still on the 401. It is extremely intimidating. And then these trucks spill off the 401 on to intersections.

The anxiety that builds up on our major highways also has an impact on the anxiety and stress on our intersections in our cities, because if people driving on the 401 or whatever it is—on the Queensway in Ottawa—can't get through traffic and they're stuck in gridlock, then as soon as they exit on Maitland Avenue or something, they speed up, trying to get through the next light, because of gridlock. I think there's a direct correlation between the amount of gridlock, which is growing in our cities, and the amount of careless driving and anxious driving that is happening all over Ontario.

This red light camera legislation is part of the technological investment in safety. But again, it alone cannot reduce the growing amount of speed on our roads, reckless driving and unpredictable driving habits which are happening more and more, as we see in all our communities across this great province.

The interesting thing too is that people sometimes mention, "Well, we shouldn't use cameras in public places." And they were saying, "Well, this legislation is no good because I am against cameras in public places." At that time, I remember telling the Minister of Transportation at the time, Mr Clement, "If you go into the Mac's Milk store, there are cameras as you buy your milk. If I go to the bank machine, I've got a camera there. If I go into the plaza, there are cameras inside the shopping mall. There are cameras basically everywhere for security and safety." So I said, "What is wrong with having a camera at an intersection to save lives?" I think in Sudbury they've used cameras to great success to make certain streets in Sudbury safer.

Mr Bartolucci: It's called Eye in the Sky.

Mr Colle: It's called the Eye in the Sky, the member from Sudbury, Mr Bartolucci, says. They work. So I don't think we have to be ideological—and I don't even know if it's ideological, but there's some sort of myth around using a camera—and I'm not saying that we should use cameras everywhere, but prudently, and if it's for security and safety.

Dalton McGuinty and the Liberals want to try and use cameras in schools, where the school feels they're a great benefit in enhancing safety. So why not use a camera in the school if the principals and the parents want a camera in that school? In many of our schools in Ontario there are speeding cars constantly in front of our schools as children are crossing or children are being dropped off. So I'm certainly not averse to having a camera in that school zone if there's habitual speeding or reckless driving around the school. As the police will tell you, they can't be there every morning and every afternoon to catch these people, and even if they do catch them speeding they always come back the next day or when the police aren't there.

If there's technology like this that has been tried in different places, like Alberta, Arizona or London, England, let's look at this technology to make our

communities safer. That's what's paramount. As I said, we had this long drawn-out debate that this was some intrusion of privacy, and it would be the end of democracy as we know it if we had red light cameras. Well, I think the pilot projects have proven that the world hasn't come to an end and that we have increased safety and that it seems to work. We're trying to expand it, hopefully, and make it go into other communities.

If all the members here think of the communities they represent, there isn't one community or one intersection or one piece of roadway where there isn't habitual speeding or dangerous traffic. We all know them, where we live or in the area we represent, where we possibly would like to do something better to make that intersection safer. That is why the municipalities wanted this type of legislation. It essentially gives them a tool. That's all it is. It is not the ultimate weapon, but it is a tool in terms of making intersections safer. It is something that even the Canadian Automobile Association supported. It was something that they thought could help, and it was something they could support.

I remember the police commissioner, a lawyer I think the member from Ottawa Centre recalls I went to university, with Peter Vice, who was the chair of the Ottawa-Carleton police commission.

Mr Patten: A good Tory.

Mr Colle: Some people tell me he's a good Tory.

I remember him telling me that he was supportive of it. He's quoted in the Ottawa Citizen: "It is a real problem, and in my view it's rampant here in Ottawa-Carleton." He's talking about people who blow or run red lights. In fact, Mr Vice goes on: "On my way home from that meeting, and I live close to police headquarters,"—this is the chairman of the Ottawa-Carleton police commission—"I saw two cars go through red lights." Then they go and ask a spokesman of Mr Clement—he was the Minister of Transportation at the time—"But already a spokesman for Mr Clement has put the answer bluntly: 'No.'"

"The request hasn't actually reached the minister's office yet, said Dan Schultz"—remember him, Tony?—"but the decision has already been made, since plenty of other cities and towns have asked for the same thing. 'The cameras themselves are not the most effective solution,' he said.

"Now regional councillor Diane Holmes is wading into the debate. She'll ask the region's transportation committee to try" these things.

2010

It's good to see people from various cities, of all political stripes, who didn't have their heads buried in the sand, who were asking to support this legislation.

One of the strongest centres of support for this legislation was Ottawa, led by people like Mr Peter Vice. They asked him, "Why don't you get the police to stop them when a person runs a red light?" Well, here it says, "The police commission's Mr Vice says that's a dangerous idea: 'One of the hardest things for even police officers to do is to stop a moving vehicle.'"

Therefore, you can't ask the police to go into a car chase because some guy is going 80 miles an hour through an intersection. It is very dangerous. With the camera, you've got proof that the person ran the red light. You can send him a pretty strong message if you give him a ticket for 180 bucks in the mail, and that is what is happening.

Time and time again we are trying to encourage this government to listen to new ideas. This was a new idea that this government tried to discredit, block, stall. But sooner or later we had petitions from people right across Ontario: a lot of people from the Hamilton region, from Brampton, from York region, Peel region. They all said, "We need to try this kind of technology." I was very happy to see that the government was forced to come in and listen to people for a change. We were more and more unhappy that the people were so involved in this battle and it took a long time.

We were successful in getting the pilot project, but I would like to see this become more than a pilot project. I'd like to see these cameras at the discretion of the local municipality. If they feel that technology like this works, why not allow them to do it? They're not asking for money. They're not asking for the provincial government to invent the technology; it's already there. So there's no need to continually ask these municipalities to do all the things they do well. The taxpayers of those municipalities pay through the nose in property taxes and fees. Yet, when they want to do something to improve safety in their municipality, they always have to come to Queen's Park. That is not good public policy. It's best to devolve to municipalities things they can do best, and I think traffic safety locally is something they are expert in. Some of the brightest people I have ever run across in terms of transportation issues are local people, whether they come from Hamilton, York region, the city of Toronto or the city of Ottawa. There are some ingenious people who have worked on road safety for hundreds and hundreds of years.

For many years in the city of Toronto, not too far from here, probably about a 10-minute drive north of here on Avenue Road, there was one of the only streets in Toronto where they put speed bumps. I don't know if you had them in other municipalities. It was right by De La Salle school. They had speed bumps because the traffic was so horrendous. For many years, the speed bumps helped that street. The municipalities at the time tried to get more speed bumps. It was almost impossible, because the experts said that speed bumps didn't work, sometimes did damage to the undercarriage of cars and were difficult for snowplowing, etc.

It's interesting enough now that wherever you go in Toronto we have used what they call "traffic-calming devices," and speed bumps are part of that. I'm not a total fan of speed bumps on every street, but I think it's an example of a municipality, local officials or local rate-payers responding to a traffic problem. No matter who you are or what you do for a living, if it's unsafe on your street or where your children live, go to school or play

and there's immense speed or reckless driving, why not let them introduce traffic-calming devices and plans because they have no other thing to do? They can't stop the traffic from coming on to the streets, but at least they can slow it down and make people more aware of the fact that there may be children or senior citizens. Why not let the municipalities use more of their ingenuity to find ways of making intersections, streets, safer for their citizens? I don't think it's always necessary to have the province telling them what to do when it comes to safety. That's why, again, as I said, this red light camera technology is one that is very effective.

I would like to read into the record a very good article from the St Catharines Standard. This was June 1998. I think it says a lot of what this whole issue is about and the need to look at this whole issue of traffic, and the politics of it too. It's from the Standard on Monday, June 8, 1998. It's an editorial. It reads: "The majority of people in this province had to be heartened at the turn of events last week when a handful of Tory MPPs voted against their party line and supported the notion of using cameras to crack down on red-light runners."

I was glad to see that there was a handful—I remember Mr Pettit, who's not here any more—a couple who did support the idea. They broke ranks. On that side, they all vote as they're told. I was glad to see—I remember Trevor Pettit, was it?

Interjections.

Mr Colle: Anyway, it was quite a sight to see a Conservative actually voting against what their orders were.

"But don't get your hopes up.

"Thursday's approval in the Legislature was only the second reading of this public safety measure, and there is still a huge and improbable step to be taken before this private member's bill, introduced by Liberal Mike Colle, gets past the necessary third reading and becomes the law of the land.

"The most formidable obstacle comes in the personage of the Premier and his cabinet, who throughout the ongoing discussions of this matter have publicly clung to the premise that camera enforcement would only reveal the vehicles involved in red-light infractions and would not identify the person who is driving when the offence takes place."

In other words, Premier Harris and all the members—they now call it "the former government"; I know Janet Ecker today said "the former government" gave them the \$10 million tax boondoggle.

What they were trying to say at the time to discredit this kind of legislation was, "All it would do is hurt the owner of the car and not the driver." I don't know what the logic was, because if I was a father and my son had my car and ran a red light, I as the owner of that car would want to know that my son ran the red light. I would hold him and myself responsible if he was doing that. But they said, "Oh, no, this doesn't get the real driver; it just punishes the owner." This was what Mr Harris was saying all the time.

2020

"The accusation is made by political detractors that the real reason the Tories are loath to allow such use of cameras is because of pressures from their rich and influential 'buddies,' who would supposedly be among the victims of such surveillance.

"In a reality check, however, such a claim is shallow at best, based more on stereotypes or anti-Harris sentiment than on the percentage of traffic offenders who might be major contributors to any political party. You'd be as likely to photograph the car of a plumber or an editorialist as you would a Tory bagman.

"So why this insistent anti-camera stance from our elected minders of the province?

"Although the senior government members have been careful not to show their hand in too much detail when pressed to dissect the basis of their position in this issue—that is, these cameras; the editorial is saying, 'Why do they oppose it?'—"it is evident that the dislike for such mechanical traffic cops has less to do with catching the right driver than it does with their ingrained personal ideologies.

"By its nature, the strong streak of libertarian thinking which affects the motives of the current government, and which certainly distinguishes it from previous Tory reigns in Ontario, bristles at the very notion of too much 'state intervention' into the private lives of citizens, regardless of whether or not they're political contributors.

"This was what made photo radar one of the earlier victims of the Harris government, and because of this same instinct, our key policy-makers cannot reconcile themselves with the 'Big Brother' illusion of using technology instead of traffic cops to catch red-light runners.

"The issue of intersection anarchy is not a chronic problem in Niagara or indeed in many centres around Ontario, but in traffic-choked Toronto (a place many of us visit from time to time), no fewer than 10 people were killed last year by impatient or inattentive drivers who ran red lights, or raced into a crossroad in the dying glow of an amber traffic signal.

"Even if cameras did result in less than perfect effectiveness, and some charges were thrown out of court because the wrong individual was charged, the public's awareness of such enhanced enforcement would make more drivers less likely to take the chance. And it would almost certainly mean more innocent people would be alive.

"Now that it has received second reading, the red-light bill will be referred 'to committee' and to public hearings for further study. This could end up in it being neutered by a stream of amendments meant to render it useless. Or, even if it does emerge from that process intact, the government could simply order its caucus members back into line to ensure the defeat of the bill in the final vote.

"But surely there comes a time concern for the common good has to prevail over dogmatic intransigence.

"This is not revolutionary; cameras are routinely used in many countries to make roads safer. In Ontario, this is an obvious instance where the Premier and his coterie

must put the well-being of citizens ahead of the bogymen."

That's from the St Catharines Standard, back in 1998. That is a bit of the history of what this good legislation—the beginning of good legislation—had to fight against. There were all kinds of straw men put up, why you couldn't do this and you couldn't do that, but I think it was just such an outcry from across the province, basically asking Premier Harris and his ministers at the time, "Why can't you try this? If it works in Australia, in Arizona, in New York state, in Virginia, try it and see if it saves lives."

I really want to give a lot of credit, especially to the Laporte family who tragically had to lose their son, Michel; to all the councillors in Hamilton, Peel region and Toronto; and to the police forces in Toronto, Hamilton and especially in Ottawa, who were really in the forefront.

I should mention that Ottawa is also at the forefront of another very interesting and dynamic life-saving technology, and that is the PAD program, the portable automatic heart defibrillators, which are the size of a laptop computer. They go into arenas, airports and casinos, and they save lives. This government has blocked that kind of legislation again too. It's another example of good technology that saves lives, and this government always has some kind of phony ideological reason to block it. You tell me why these portable heart defibrillators are against the ideology of the Conservative Party or whatever their libertarian or neo-con past is. Just like the red light camera technology, why would the portable heart defibrillator, which saves lives every day—it has already saved six lives in the casino here in Toronto. The Greater Toronto Airports Authority has just put 60 of them into the airport.

There are rural areas, for example, in Manitoulin, where they would be wonderful. What is the response time in Manitoulin for an ambulance, for first responders, if there's a heart attack—in Toronto we're fortunate—a half-hour away or whatever? If the local nurse, high school, arena manager or volunteer firefighter has a portable heart defibrillator he's trained with, along with CPR, he could save that one life. If it's one life that you save—but this government has blocked that technology. I've had that private member's bill before this House and before committee and they blocked it. For what reason, I have no idea.

For the first time in this Legislature, I had a sitting judge of the Ontario Court come and make a deputation to a committee. He said he wanted one in city hall in Toronto because he's afraid that staff or lawyers or people before the court are going to have heart attacks, and he cannot avail himself of this technology because this government does not support portable heart defibrillators in places of high stress like city hall. If you want to see a stressful place, go to Toronto city hall courtroom and see the stress in that place. This government won't allow the technology in that court to maybe save one life.

These portable heart defibrillators, which cost about \$5,000 each—

The Acting Speaker: Thank you. Questions or comments?

Mr Rosario Marchese (Trinity-Spadina): I want to speak briefly to the comments raised by my friend from Eglinton-Lawrence. He had a lot to say, it was a whole hour, and he did it well. He was one of the first few people to push hard for red light cameras in spite of the opposition that came from the Conservatives. God knows why they did that for many years. It's true, I don't know why they did that. It's something that is very useful. We know that and you now know that. Red light cameras are good for safety, and that's the issue. It was clear then, and it took some time for the Conservatives to get around to it. It often surprises me. What should happen is that municipalities should be given the power to do this on their own. It's pretty sad that you have to come here each and every time asking or begging the province to permit the city to do this.

Yes, they extended the municipal red light camera pilot for two more years. Yes, it gives the province the option to make it permanent without going back to the Legislature. But they shouldn't have to come to you. It's something that should happen as a matter of course. The cities should be empowered to do that in their own communities because they know their own communities best. It's not something you want to centralize or ought to centralize, it would seem to me. Giving cities the power to do this without having to come and beg is the right thing to do. It would seem to me that's the course you should be heading on. On the other hand, it's good that you listen in part, that you're listening a little harder. Ernie Eves has become soft, poor man. It's good that he's getting soft, but there's room to be softer on this issue.

2030

Mr AL McDonald (Nipissing): As the official opposition knows, Ontario already has an outstanding road safety record. Our roads are the safest in Canada, and as a matter of fact they are the second-safest in all North America.

It's interesting that we stand here today to bring this bill forward to further this good cause of red light cameras and all we're hearing from that side is "but." Are they going to support it or not? They're talking in circles; they're going down streets; they're talking about everything but—to fill in an hour. Why don't they just say, "Yes, we support this. Yes, we understand how important it is." Your government introduced it. Do you know what? It's the right thing to do. Just stand up and say, "Yes, we support this legislation," just like all the communities that are involved here say, "We want to do it for more years."

Just say yes. Do the right thing. No need for anyone to take credit here. It's not a very big bill in the grand scheme of things when we're dealing with lots of issues. All parties should stand up and say, "Yes, let's do it." We don't need to talk about it for three hours, and about

everything else. Just say, "I support this." Do the right thing and say that.

Mr Patten: I find it interesting that the member from Parry Sound-Muskoka somehow has it reversed.

Interjection: No, Nipissing.

Mr Patten: Nipissing, rather. I'm sorry. Excuse me.

He's not really aware of the background of this. All parties have agreed to this. So the only thing I can conclude, as with many bills of this nature where we all agree on many issues, is that the government wants to just show the public that they're putting in time. It certainly is hard time for the opposition, especially when the ideas emanate from the opposition.

I want to congratulate my colleague the member from Eglinton-Lawrence, Mike Colle, who provided the initial leadership on this. I think he could write a book on this subject. He certainly took us through an anthology this evening and pointed out the relationship between these particular camera systems, the costs of them, the relationship to density of traffic, other jurisdictions where they have had this, such as Australia for 15 years, the research he did in terms of Germany, in terms of England, in terms of states in the United States.

This shows the commitment of a member to do this. He's not in government and he doesn't have to do this, but he does it because he cares. He went to where he heard people who had lost members of their family and he talked with them, and they said, "Can't we do something?" This man said, "Yes, let's try. Here's an idea. What do you think?" The municipalities agreed. So we all agree on this. Why are we wasting time? I'm sure if the government wanted to put forward a motion to get support on all sides, you would probably find that you'd get unanimous agreement.

Mr Gilles Bisson (Timmins-James-Bay): I guess we should be grateful in Ontario that finally the government is saying to us after seven years of not listening to anyone that we should be grateful and bow our heads to the gods across the way and say to the Conservative government, to Ernie Eves and the rest—be grateful. The government has actually done something right and we shouldn't have to say anything at all. That's a rather interesting comment that was made by the member across.

I say to the Liberal member, however, who purports the importance of this bill—and I agree with him; I think this is an important bill—that it's important for the municipalities and for drivers across this province to have mechanisms such as red light cameras to prevent accidents. It's a great thing. But I'm just wondering, where was the Liberal caucus between 1990 and 1995 when it came to photo radar?

I remember being a member of the government when we brought forward photo radar to save lives on our highways when it came to reducing the speed overall. The Liberals voted against it. They were opposed to it every step of the way. Now all of a sudden there's a new-found faith in technology to prevent accidents in Ontario. So I'm a little bit confused. When it was the NDP that

brought forward photo radar, which is a similar thing, the Liberals voted against it.

Interjection.

Mr Bisson: I'll talk about them later in my speech that I'm about to give. Now all of a sudden they're in favour of red light cameras. So with the Liberals there's a bit of a problem in understanding their position. One moment it's one thing, the next moment it's the other. When the polling numbers indicated photo radar may have been a bad thing on the public scope of things, they were opposed to it. Then when people figured out it was a good thing, all of a sudden—Liberals confuse the heck out of me. I just have to say to the member from Lawrence, wherever it is—

Interjection: Eglinton-Lawrence.

Mr Bisson: Eglinton-Lawrence—that I'm glad you finally made a conversion, but it's been one pretty late down the road.

The Acting Speaker: Response?

Mr Colle: I thank you for the comments. We have a new member from Nipissing, and he wasn't here when the parent of the young man who died was pleading for help. He wasn't here, and for him basically to say that we in the opposition don't have the right to speak when we have debating time is beyond belief. That you have the gall to come here and tell us that we can't speak on behalf of the constituents of Eglinton-Lawrence or the constituents of Ontario—what are we here for? If we can't speak, what are we here for? You would like us to do what you do all the time, just do as you're told, put up your hand and vote. Well, sorry. On this side we can actually speak and we have the passion of our beliefs. If you want to be basically a person who just puts up his hand and does as he's told, you're obviously on the right side of the House. We believe in standing up for what we believe in, and I believe that the Laporte family, who lost their son—

Interjections.

Mr Colle: They obviously have no compassion for the hundreds of people who were injured in traffic accidents, and the Minister of Agriculture is laughing about it.

Hon Helen Johns (Minister of Agriculture and Food): The pot calling the kettle black.

Mr Colle: People were dying at intersections and Helen Johns is laughing about that. That's disgraceful, the Minister of Agriculture laughing about people dying at intersections, and she's continuing to laugh about it. That is disgusting.

Mr Speaker, I won't go down to her level, because she thinks that the right of the opposition to advocate is wrong. Well, as a member of the opposition, I will continue to advocate and fight for my people and fight for what's right in this province. I won't be shut down by the likes of Helen Johns, the Minister of Agriculture.

The Acting Speaker: I would remind members, we do not use members' names, only their ridings or positions. The member for Timmins-James Bay.

Applause.

M. Bisson: Merci, mon collègue. Oh là là. C'est du déjà vu. Ce n'est pas la première fois qu'on se trouve ici dans ce débat. C'est très intéressant qu'on se trouve ici aujourd'hui encore, deux ans—si je me rappelle bien, c'était en l'an 2000 qu'on a premièrement passé ce projet de loi. Le gouvernement du jour, le gouvernement de Mike Harris, a dit, « Important de mettre ces caméras très haut sur les coins de rue dans les municipalités à travers la province pour assurer la sécurité de circulation. » Il y a eu des problèmes. Le monde traversait des feux rouges, et je me rappelle dans le temps que nous dans le Nouveau parti démocratique étions un peu surpris et on a dit, « Hey, c'est Mike Harris, le même gars qui a décidé, "Photo radar : bad." Puis là il dit, "Red light camera : good." »

Je me dis, c'est quoi qui est arrivé ? Pourquoi y a-t-il tellement une différence ? J'ai besoin de me demander, dans ce temps-là, quand on a eu ce débat-là, exactement pour quelle raison. Je pense que les raisons sont pas mal claires. Il y avait deux différentes—comment dire ? Il y avait des « motives » en opposition qui étaient un peu différentes quand ça venait à être le gouvernement.

So I say to the government across the way, it's really interesting, this conversion. I really enjoy this. I like it when my friends across the way, who see themselves on the right of the political spectrum, all of a sudden shift a little bit to the left. The Liberals, well, God, they're shifting left and right all the time, so we won't even talk about them right away.

But I'm glad. You guys have finally taken a step forward and you've said, "Do you know what? That photo radar wasn't such a bad idea. We're not going to go all the way and call it photo radar. God, we couldn't do that, because Mike Harris and the opposition Tories of the day opposed photo radar, but it's OK to use that technology to stop people as they cross red lights." But I'm glad you've made the conversion, I really am, because I agree, as most members in this House I'm sure agree, that this is actually a good thing.

We know, for example, by the stats that have been put forward by the various municipalities—all six of them that have basically got into this as a pilot project over the last two years—there have been over 23,000 charges laid across Ontario in those six municipalities as a result of people crossing red lights that resulted in accidents in some cases, and more times than not probably put somebody in danger. If properly done, this particular initiative can actually save lives.

2040

I'm absolutely glad that the government has made this conversion. I think it's a good thing. It shows me that there is hope in this province. There is hope for social democrats. There is hope that even a right-wing Conservative government could come over and start seeing the ways of some of us in the social democratic party of Ontario. I think it's rather interesting. So I say to the government, bravo for having brought this two years ago.

My only comment in regard to what you're doing now is, why do we have to come back here to do this in the first place? Why didn't you, as we suggested in the year 2000 when you put this bill in place, give municipalities the power and authority to do this themselves? I think most of us in this House would agree that municipal governments are very responsible. Municipal governments are in a good position to decide, yes or no, if they wish to install red light cameras at intersections in their municipality.

We said at the time you drafted the legislation that you should at the very least give the municipalities the authority to pass legislation on their own enabling them to do it and allow municipalities to do what they think is right with those particular red light cameras. The government of the day said, "Oh, no. We want to study this. We want to do it as a pilot project. We think it's better to look things over." So they only did it for a two-year period and they put a sunset clause in the bill, and here we are two years later, coming back to the Legislature yet again as Big Brother to municipalities, deciding what's good for those municipalities.

So my first problem is, I think this is something we should have given municipalities the right to do up front, and number two, we should not have been put in a position of having to come back here two years down the road and do it again. We could have been utilizing House time to do something probably just as important, if not more important, and we could have taken this away from the House agenda.

I see that in the legislation the government is giving itself, as the government, through the Minister of Transportation, the ability to extend it past November 20, 2004. In other words, if a municipality decides to go further, the government of the day, whoever it is, will be able to enable the Minister of Transportation in that government to say, "Yes, you can continue with this project past 2004."

I would argue that we should make an amendment to this bill. If it goes to committee, I'll suggest an amendment that basically says, "Let's give the municipalities the respect they're due and allow them to make the decision whether they want this program or not." I think municipal councils are in a far better position in their municipalities to make that decision. I look at members like Mr McDonald, who comes from North Bay, and others who have sat on municipal councils. I think they understand, as I do, that it's probably a much better thing to allow the municipalities to make that decision themselves. So on that point, I'll just say we should be making an amendment, through the committee process, that says to the municipalities, "We respect you, as municipalities, to make this decision. We're transferring this over as a municipal responsibility." If they decide they want to do this project, we can certainly put some regulation around it about what can be done and then allow that to happen in a way that municipalities themselves can deal with saying, yea or nay, that they want to do it.

The other thing I think we should be doing in this legislation, which is not that apparent in my view and is probably more through the regulations than the legislation, is really spelling out how we set these red light cameras. One of the complaints I've heard in the city of Ottawa, and I've heard it here in Toronto, in Peel and in a few other places when I've read articles, but specifically in Ottawa—I have a brother who lives there. I visit every now and then, and, as most members do, I go there on committees and different things. I've talked to different people in Ottawa who say, "Geez, it's like they're hiding those cameras. It's as if they want to catch us." Instead of providing advertisements saying, "There's a red light camera. Slow down," the signage is put in such a way that it's hard for the motorist to see and the municipality just reaps the whirlwind of all those people getting their pictures snapped as they run through the red lights.

If we're truly talking about a safety initiative, I would argue that we need to put up good posting. As most motorists know, if you know there's an OPP officer or a local town police officer out there with the radar or you know, for example, there's a sign that says, "There are red light cameras on this intersection," people aren't very likely to cross it whether the camera is working or not, because they're afraid of getting caught. It's never paying the fine that scares people; it's the fear of getting caught. If people have a sense that they are going to get caught, they are less likely to do the infraction. So I would argue that what we need to do is put something in regulation around this bill that stipulates that when municipalities set up red light cameras and we give the ability to do that, there's a provision that you have some good signage to make sure motorists know the red light camera is there and in that way try to deter the actual infraction happening in the first place. That would be one of the things I would suggest to the government.

The bill itself is fairly innocuous. It's only one section with three parts, all on one page. All we're basically saying in this bill is that we're going to extend the deadline from 2002 to November 20, 2004, and allow the pilot projects to go ahead.

As I said, the first amendment should be to allow municipalities to do this on their own. Secondly, some regulatory change needs to be made, in my view, to spell out to municipalities that in fact you need good signage to assure yourselves that the red light cameras are properly posted to discourage people from doing the infraction in the first place.

The bottom line is, this is all about safety. I don't care which side of the House you're on, I think we all agree that if we can stop people from jumping red lights, there's a potential for saving lives and, at the very least, a potential for less injury. That is a saving, in human terms, in suffering and pain that people incur from that, and also to our medical system. This, in the end, can be a savings to our medical system as well. I would say to the government, however, that we need to take a look at other places where we can use this technology.

I just want to go back and talk about photo radar, because it is related. I remember that when we were government between 1990 and 1995, we had rolled out the initiative of photo radar on the 400-series highways across Ontario. A number of vans were bought and were moved around from place to place. Basically, photo radar was set up in a number of areas to discourage people from speeding. Because there was the knowledge that that van might be on the stretch of road you drove in the morning or in the evening, many people slowed down.

I would just relate the experience I had. I remember coming out of Toronto International Airport, or Pearson airport, as we call it now, with a car rental one night. I was flying into the city for some meeting that I was going to somewhere outside of Toronto. On my way out to the meeting, I pulled out of the airport for a run on to the 427, I guess it is, that comes out of the airport. I was so used to getting on that—you know how you get out of the airport. When you got on, you really had to speed up to catch up with the traffic that was going by so you could slot yourself into the traffic flow. I got on and had to slam on my brakes. The traffic was such that people had slowed down to the speed limit, and it actually surprised me. I was so used to coming out doing 120 or 125 in order to slot myself into the traffic in the right lane, and in fact it was right down to about 90 kilometres an hour. I remember think at that time, "Boy, this photo radar thing really works."

The first point is that when it was in place, people actually did slow down. When we go back and look at the stats for the time it was in, there were fewer accidents on those highways than there are now. I would argue that there was another initiative that in the end could have saved lives, another initiative that certainly could save potential injury and money to our health care system, that this government did away with.

The other thing that I thought was remarkable on the photo radar program, which was put in place I guess in 1993, was what the Tories had to say about it at the time, because the government at the time did this as a safety initiative. I remember that day after day when we went through the process of passing that legislation through the House, members from the now government, then the third party, would get up and say, "This is strictly a cash grab. This is nothing more than the government trying to fleece money out of the pockets of motorists." I remember Mr Stockwell, Mike Harris, Mr Runciman and a number of people who are now in cabinet were really opposed to the photo radar concept and thought it was nothing but a cash grab. I find it passing strange that two years ago we ended up in a situation—were you in favour of it?

Hon Robert W. Runciman (Minister of Public Safety and Security): The speed limits were the problem.

Mr Bisson: The speed limits are a problem.

Hon Mr Runciman: Artificially low. It's a cash grab.

Mr Bisson: We're going to get to that in a second—where you want to go with the speed limits—because we

now know the government is interested in bringing photo radar back in a different guise. There have been some rumours about that. They may or may not—

Interjection.

Mr Bisson: Well, if I knew you were going to give me something, I might just—you know. You should have come and talked to me before I got on my feet, Chris. If you want to offer something, Mr House Leader, put it on paper and put it in front of me.

I just remember back to those days, wonderful quotes from Chris Stockwell, I think then he was the critic for finance. He went on and on about how this was a cash grab and nothing but a desperate attempt by the government to raise dollars, and how terrible a thing it was. I just say it's interesting and passing strange that two years ago this government instituted red light cameras in this province. Same technology, same idea; utilizing surveillance technology in order to go after motorists. They recognized, rightfully so, that technology can be used in a positive way in order to make the roads safer.

2050

What's interesting, we hear through the grapevine, and this has been somewhat reported in the media although not very extensively, is that the government is now saying they're thinking about bringing back photo radar. But what they're thinking of doing is actually increasing the speed on our highways and making an absolute limit when it comes to the enforcement of those particular speeds. For example, where you had 100 kilometres an hour, they may boost it up to 120 and then throw photo radar on that as a way of making sure there's no tolerance. If you go 121 you get a ticket. That may not be a bad idea.

I've driven in Europe and different parts of the world where I've seen the extremes on both sides. For example, if you take a look in Europe—I was there in April and had the occasion to drive from Marseille all the way down through the French Riviera into Florence. On that particular stretch of road is a good—

Mr Dominic Agostino (Hamilton East): I didn't know socialists took those trips.

Mr Bisson: Nothing's too good for the working class, you have to know. The working class of Canada, because of the trade union movement, has negotiated great collective agreements, and workers are now able to travel alongside the bourgeoisie. It's a great thing for the tourism industry. We social democrats are proud of our role in making sure that workers have been able to negotiate wages, including here in the Legislature, to be able to enjoy a holiday every now and then with our wife or with our family.

I forget the particular stretch of highway; I think it's A-11, the one that runs along the French and Italian Riviera. When you're on that road, traffic is on average 140 kilometres to 150 kilometres an hour. When I first got on it, I was a little bit nervous because here you are in a little diesel Renault trying to keep up in these Ferraris that are just screaming by.

Interjection.

Mr Bisson: I can't afford a Ferrari. That's for the bourgeoisie. I drove the working man's car, the diesel Renault. That's what I drove to visit the beautiful city of Florence.

The point is, there's traffic on that highway that's basically going at 150 kilometres, 160 kilometres an hour. I had an opportunity to talk to a number of police officers, as you stop at restaurants and to get gas. On a couple of occasions I had a chance, both in France and Italy, to speak to police officers. I asked them, "You must have a lot of accidents on these highways." I thought for sure they were going to tell me, "We get accidents all the time, and carnage." In fact, they don't get a lot of them. I thought that was rather interesting.

I've gone back and done a little bit of checking, and there are a number of reasons why the accidents on those highways are lower. One thing is, the truck traffic is really reduced to a dull roar. They really have a good system of intermodal transportation where they utilize trains to move freight on intermodal rail on longer distances and are only using trucks for shorter hauls. It's a much more efficient way of moving traffic off those freeways. As a result, you don't have the congestion on those freeways that we see here, let's say in the city of Toronto, across the 401. Even at the best of times it's fairly difficult to move along that stretch of highway, for all the trucks that are on it. And the other thing that is interesting is that there is sort of a no-nonsense rule when it comes to reckless driving. They don't mind the speeds so much, but they really watch if they've got people who are weavers, as they call them.

The thing is, I'm not convinced increasing the speed limit itself, if properly done, is necessarily a bad thing. It's interesting to see that the government is looking at increasing speed limits on our highways and utilizing photo radar as a mechanism to say, "All right, we're going to push the speed limit up by 10 kilometres or 20 kilometres an hour but there'll be a zero tolerance when it comes to speeds over the legal speed limit." We all know what happens now. I travel up Highway 11 all the time. Most people probably won't believe me, but I don't do more than about 100 kilometres an hour now. I'll tell you why. I find if I drive fast, when I get to where I'm going it's like you've been rushing for three hours of driving and you get there and you're all keyed up.

Interjection.

Mr Bisson: From Timmins to some places in my community it's a lot further than three hours.

Mr Miller: You fly it.

Mr Bisson: I get to fly, but not all the time. The clouds are low sometimes and I have to take a vehicle. The point is that I'm not one who does, but I find that most drivers speed—

Interjection.

Mr Bisson: I'll come back to that in a second. Most drivers tend to speed over the limit. If the speed limit is posted at 90 kilometres an hour, most drivers are doing 110, 120—in that range—and that's where most people

are at. I go about 100. I don't normally do more than about 105.

The point I make is that that speed is probably not dangerous on a number of our highways, because I would argue that our highways have been built with a better infrastructure. If you look at when we posted those speed limits years ago, they were based on technology of cars that maybe couldn't handle those kinds of speeds if there was an impact. Those cars, once you banged them, you banged them good. Second, the road infrastructure was not as good. You didn't have the passing lanes that you have now. The roads were not as soft, as smooth as they are now, compared to what they were 25 years ago.

I think there's an argument to be made that you could increase the speed limit a reasonable amount. I think that needs to be determined by experts. But I agree with the concept, and then you basically have an absolute no-tolerance policy for people who go above that speed, because we've already got it. For all intents and purposes, Highway 11 is 120 kilometres an hour. I get passed constantly as I drive up by Moonbeam, Kapuskasing, Constance Lake and communities in between. So that's what most cars are doing. The OPP cruisers are passing me as well. They just go right by me.

Interjection.

Mr Bisson: I'm just saying it the way it is.

The government's musing about coming in and utilizing photo radar as a mechanism to increase speeds is not a bad idea. I'd be more than prepared to talk to the government about that to find some way of bringing a bill into the House and, with some co-operation from all sides, not spending a whole bunch of time.

We have to send it out to committee. I think we have to hear from some stakeholder groups, because some people in our society might say, "Bisson, you're 100% wrong about that."

Hon Mr Runciman: Bring it in.

Mr Bisson: I'd love to bring it in, but the unfortunate part about being a private member in this House is that you get one spot per four years to bring a bill in. As the minister knows very well, we need to increase the role of private members to bring in bills like this, because I think—

Hon Mr Runciman: Come on over.

Mr Bisson: Not likely. Ideologically, we're way too far apart for that.

Anyway, I think it's something that should be done. I'm just signalling to the government. This is not the official position in the NDP caucus because we've not caucused the issue. But, as the transportation critic, and certainly as a northerner, I'm not opposed. Our stretches of highway are long. They're in fairly good shape. The vehicles are now designed so they can do it. If the government wants to come forward with a bill like that, I'm more than prepared to talk about it and see what we can do that's reasonable when it comes to the utilization of technology to push up the speeds on our highways.

I just look at the 400-series highways. There was an interesting case. I think Mr Runciman would know about

this. Two guys got into their cars and decided to drive from—where was it?—Brockville to Toronto at the speed limit, side by side. The two individuals—about a year or two ago; correct me if I'm wrong—decided, as an experiment, that they would both get inside their cars and drive from Brockville or Cornwall, somewhere out that way, side by side all the way to Toronto, at the speed limit, to make a point. The point is that they got charged. They were brought to court for obstructing traffic. The defence they had when they went to court was, "What did we do wrong? We were driving at the speed limit." We understand that's a bit of a play, because nobody was able to get by, but the point is that behind them was a big, long line of traffic. Finally, the OPP caught up with them and pulled them off the highway because there was a bottleneck on the 401.

We know the speeds on those highways, especially the 400-series highways—

Hon Mr Runciman: They weren't from Brockville. They were from Timmins, I think.

Mr Bisson: They probably were from Timmins. They were lost. They were trying to find their way to Toronto and took the wrong turn somewhere. But anyway, the point was that if people actually drove side by side at the speed limit on those highways, and did it for any length of time, it would obstruct the highway. I think we all agree that even though the speeds may be posted at 100 kilometres an hour on the 401, the 400 and others, most people are driving at 120, and I would even argue it's a little bit higher on those highways. So there is an argument to be made to push those speeds up. I think that's something that could be done.

2100

I mentioned earlier—and I don't want to do this without talking about my friends in the Liberal Party, because I always find that the way they position themselves is, I think, rather colourful. I just don't want to allow this debate to go by without pointing my finger over there at the Liberal caucus and saying, "You guys are trying to have it both ways at the same time, from here to Sunday."

We went through this debate in 1993 when photo radar was brought in and I remember what the Liberal caucus of the day said: "Oh, a cash grab. Bad idea, bad use of technology, invades people's privacy." They listed every reason why the Liberal Party should not support this piece of legislation. Then when they became opposition again, once they lost yet another election that they were supposed to win—and they'll lose another one, because everybody knows the social democrats will win the next time around—these people were of the view that all of a sudden this technology is a good thing.

Now we've got Mr Colle running around saying, "I thought up this idea. It's such a great idea and I support it. Boy, where has the government been all these years?" I just want to ask Mr Colle, where has the Liberal caucus been all these years? They had an opportunity to support this when we were in government in 1993 and, as on most issues, they flip and flop depending on what time of

day it is. You don't know what their position is on most things. So I say to the Liberal caucus, be consistent.

At least the government, in how they introduced the red light cameras, were trying to be consistent with their public policy in opposition to photo radar. They did it as a pilot project, and it's not photo radar, it's red light cameras. They tried to position it to at least appear to remain true to their principles and what their policy was. But the Liberals have no shame—absolutely none. No shame whatsoever.

It just bugs me to no end how that great big parking lot, the pollings, as I call them—if you listen to the polls, they're at what, 53%, 54%, whatever it is? It's a great big parking lot, so soft on the edges. I think most Ontarians say, "If I've got to park my vote somewhere, because I'm unhappy with the government of the day, be it New Democrat or Tory, I'll park myself over there," and then eventually at election time they move, and for good reason. These guys are nowhere on any issue.

I listened this afternoon, as I know my good friend Mr Runciman did, to the debate on education, and I was amazed. I was in my office doing some work, and I listened to the Liberals. They were going to put \$1.6 billion back into education, and they wanted to do all these wonderful, progressive things for education. But they never talked about where they were going to get the money for it. What was interesting was, they were berating the government for education policy but were purporting the same things. There are a number of issues in the education policy paper of the Liberals that are exactly what the Tories have done. One day they go out to a group of stakeholders and say, "Look how bad the Tories are," and then all of a sudden they go back to another group and say, "Look at what we're going to do," and it's exactly the same thing. I really find it interesting and passing strange.

On the hydro thing, we all know the Liberals want to privatize and deregulate hydro just as badly as the government does. But if you listened to Dalton McGuinty and you closed your eyes and you didn't know it was him, you'd think it was Howard Hampton sometimes, trying to talk about what's wrong with hydro deregulation and privatization. So I just say to the Liberals, it takes a lot of culot, as we say in French, to take the position you do on a number of issues.

The other thing I want to talk about, because it gives us an opportunity—this is on transportation—is the whole issue of traffic congestion, especially on our 400-series highways. I don't know how people do it. I come from northern Ontario and a traffic jam in my community takes four or five minutes at the most to get out of. In some of my communities, if there was a vehicle, there would be a traffic jam, because there are no roads, but that's another story. I don't know how people who live in places like Hamilton or Oshawa and travel in every day do it. You're just sitting in that traffic, driving yourself crazy, trying as best you can to get to work. And you wonder why there is road rage.

I think it's high time in North America and in Ontario particularly that we wake up and try to look at ways to decrease traffic on our roads. Our response so far has been, "When there's more traffic, you build bigger roads. If you build bigger roads, it will diminish the traffic congestion." But everything indicates if you build another road, people will use it. You could put an extra four lanes on the 401 and it's just going to fill up even more. The issue to me is that it's not building more roads that is going to deal with congestion. What we need to do is find ways of diverting traffic off those highways.

I would argue it would be very good to spend money to take a look at the whole issue of intermodal transport when it comes to getting much of the transport we see today on our highways on to the rail system. We all know that trucks play a very important role in transporting goods to and from the plant and the end user and that it's a fairly effective and efficient way of doing it from a cost perspective for both the people who are paying to ship it and paying to buy it.

On the other hand, there are some things to be said about intermodal transport. We have a couple of lines that run between Windsor and Montreal where we're doing some intermodal stuff on the longer distances. We've not done a lot in order to deal with really building the infrastructure around it so that in communities across Ontario there is a mechanism to quickly off-load what's coming off the train, put it on a truck and deliver it to the local community, and vice versa. As it is now, that system is not developed, I believe, in a strong enough way to allow that to happen.

I would suggest there are a couple of things we need to do in southern Ontario in order to take some of the traffic off the roads, and I would argue we need to do this going up north along Highways 11 and 17 as well. The first thing I would argue is that we really need to take a look at it. I wouldn't advocate going out and just spending money, doing it and not thinking it through. We should put together a parliamentary committee to take a look at this issue. How could we use intermodal transport in a way that's effective for the economy of Ontario? How can the government of Ontario, rather than investing billions of dollars in highways, divert some of that money and invest it in the rail system in order to take some of those trucks off our highways?

I'll tell you, it's one thing on Highway 401 to meet transports, but—my good friend Mr McDonald will know this—if you're driving Highway 11 at night in a rainstorm or a snowstorm; not even a storm, but light sprinkling—trucks are a problem. People get behind them and they're trying to pass them, they're impatient, so they sometimes jump out beside the transport truck when they shouldn't. I know, as you know, a number of people who have died in those situations, a number of good friends of mine.

The other thing is the length of some of the convoys. I've seen it myself on Highway 11. I look in my rear-view mirror and I've got 10 trucks coming up behind me and all of a sudden they start passing me on the highway,

or, if you're a faster driver, the other way around. That in itself is not a safe thing.

I would say there's an argument to be made for really looking at how we can do intermodal transport by diverting some of the truck trailers on to rail cars in order to transport them the longer distances. It makes sense to me, for example, in a community like Hearst, Kapuskasing, Timmins or Smooth Rock Falls to say, "OK, you produce lumber, you produce paper, you produce whatever it might be as far as resources. Rather than throwing that right on the truck, have a good system of intermodal transport to take that load." For example, if it's the waferboard plant in Timmins, Grant waferboard, pick up the waferboard load on the intermodal truck, drive it to the transfer point on the ONR line, do a quick transfer on to the train and ship it to where it's going, because more times than not, that transport is driving into the United States somewhere or into the Toronto market. So they're fairly long distances. It would make some sense to move that truck traffic on to the rail system in order to get those trucks off our highways. This, I think, would be a much saner way of taking some of the traffic off and make our highways a bit safer.

The other thing it does is save us money when it comes to the repair of our highways. Again, my friends from northern Ontario, Mr Miller and Mr McDonald, will know that on our highways, if we don't do the cycle of maintenance that we need to, we end up with great big ruts because of all the truck traffic and the weight that's gone along those highways. Some of these trucks are really heavy. Some of them, I would argue, are overweight. What happens is that you end up digging ruts into stretches of the highways so that when it rains they fill with water and you get hydroplaning when it comes to driving down the highway when those highways get wet. There was a stretch of highway—I believe it was around Cobalt or Englehart; I don't remember exactly where it was—that was just fixed a couple of years ago. I'll tell you, if it rained, you really had to slow down because you started hydroplaning. The ruts were deep enough that the water that picked up in there—really, if you were going at a fast enough speed, your vehicle started hydroplaning. So I would argue that if we could get some of that truck traffic on to rail, you're going to take some of the wear and tear off your highways and save some money when it comes to the maintenance cycle on those highways.

The other thing is, it would do something for the ONR—again, I think Mr McDonald would agree, we're all looking for ways to strengthen the ONR in order to give it a better business base so that it can provide the kind of services we need up north. I think it would give an opportunity to the ONR to pick up some of that business.

They can't do it on their own. I don't argue that CN or the ONR could do it on their own; just "OK, let's do it," and they will come. I think there has to be a strategy where the provincial government says, along with the feds—we can't let the feds off the hook on this, because

they are also, in my view, somewhat responsible for this. We sit down and negotiate a sort of tripartite agreement. The provincial and federal governments and the rail lines themselves develop the infrastructure. We use taxpayers' dollars to build roads; I don't know why we don't use taxpayers' dollars to build infrastructure for intermodal transport so that we have some transfer points that are well equipped to do a quick turnaround. The transport truck leaves wherever it is in northern Ontario, some mill in Cochrane or Iroquois Falls or wherever it may be, drives a short distance, off-loads on to an intermodal rail car, ships it down to wherever it goes and there's a good transfer point at the other end. That would be one way, I believe, of taking traffic off the road.

2110

The other thing I would argue that we need to take a look at is the whole issue of urban transit—interurban transit; that's what I wanted to say. Everybody has seen this. You're driving the car from Hamilton to Toronto, you're listening to your radio station, and you look around. I'd argue 80% of the cars have only the driver. I don't think I'm stretching the imagination at all when I say that. About 80% of cars driving on the 401 in the morning or that are coming in on the QEW are basically just the driver; there's nobody else in the car.

So you look at the pollution to the environment, you look at the wear and tear to our highways, you look at how plugged up our highways are, because those drivers find it easier to use their car than to get on the GO service. You say to yourself, "Well, why after all these years haven't we tried to figure out a way to strengthen GO service between those communities in order to divert some of the people from utilizing their car into the rail system?"

Now, I know one of them—I don't take GO very often, but I've taken it from time to time when I've had speaking engagements in Burlington and Oakville and Hamilton and other places, or up by the Ajax area—is that sometimes it's just easier to take your car. If I have to go and take the train, by the time I get down to the train station, and if I happen to go in off-peak hours, I've got to wait a fairly long time to take a train, and then if I'm going further down the line, there's a bunch of stops by the time I get there. Then I get off and I've got to take a cab to wherever I'm going. I don't mind the cab fare if I'm able to get there fairly fast—or if you're going home, somebody's picking you up or presumably you left your car at the other end—if I'm able to get there quick enough.

I would argue that what we need to do is sit down with the GO Transit people; people in the ATU—the Amalgamated Transit Union—along with the management people at GO Transit and the users, and say, "How can we develop a schedule and build an infrastructure on GO that encourages people, along with a good fare system, that takes people out of their cars and puts them on to the GO system?" I think if you do that, there's a savings to be had in not having to spend money on your highways, because every time a car drives on the

highway, it shortens the life of that highway to a certain degree. If you can cut by 20% or 30% the volume of traffic on that freeway, you're able to extend the life of the freeway, thus saving some money in the longer years, as well as not having to build the expansions to the highway system that you would have to do otherwise.

So I would argue that this is one of the things we should look at. Again, this would be a really interesting issue to send off to a parliamentary committee so that one of the committees of this Legislature can look at that issue along with the intermodal issue to say what kind of investments are needed in order to build up the interurban transit that needs to be put in place in order to take congestion off the roads and to save some money.

Again, I just look at some of the trips I've had in different places in the world. I've travelled through Europe a number of times. The number of people who take rail service in Europe is far greater than what you see here. Why? Because it's convenient and it's cheap. If I'm in Paris or I'm in Brussels or wherever it might be—for example, on one of the trips that I did, I wanted to go from Brussels to Paris. Well, it was a lot easier to jump on a train than it was to take a car, and it was a lot—

Interjection.

Mr Bisson: The government says, "Ah, look at that social democrat travelling around, going to cities like Paris." I'm proud to say that as social democrats, we and the unions have negotiated a good social contract with the employers so that we have the money to travel. That's what makes the economy go around. And it's about time the bourgeois don't get all the good trips, because we working-class people like to travel too. Listen, a lot of people over there in the Tory party are working-class as well, so don't berate yourselves.

Anyway, I'm just saying that if you look at the European model, there has really been a much more important investment in moving people by way of rail than we have here in North America. As a result, they don't have the amount of freeways we have here for the amount of population. You look, for example, at Ontario. What's the population in the province now, about 12 million, somewhere around there; 12 million or 13 million? Look at the freeway system we have and compare it to a country like France, Belgium, Luxembourg or wherever it might be. The freeway system over there is smaller in comparison to the size of population they have. The reason for that is fairly simple: they've really invested in rail service.

I always tell the story—I didn't know the train system the first time I went there. I think I was with my eldest daughter, Julie. We had gone to Paris and we wanted to take the train to—where were we going? Yes, we were going to Brussels that time. We ran up on the platform, trying to buy a train ticket, and they said, "The only way you can buy a train ticket when you get on the platform is to buy a first-class ticket to go to Brussels." I said, "How much?" It was less than C\$100 for the two of us. I couldn't get over it. I can't buy a single train ticket from Timmins to Toronto for less than \$100. It's 119 bucks for

one person, one way, coach. The distance from Brussels to Paris is about from North Bay to Timmins. For first-class tickets—mind you, it was only one way—it was less than \$100 for the two of us. I thought, “Boy, that’s interesting.” The reason is they’ve got the volume. If you look at those trains, they’re absolutely full. People are using them to commute long distances to get to work. People are using them to travel for everything from medical appointments, holidays or whatever. There’s a culture of using the train, because those governments have developed a train system.

The one I love best is the TGV in France. The TGV travels at 300 kilometres an hour. Imagine my good friend Mr McDonald wanting to come and visit me in the city of Timmins, if we still had rail service in Timmins—that’s another issue. But imagine if you had something like a TGV train that ran from North Bay—I would argue it would have to come to Toronto—all the way up to Kapuskasing or Hearst and Timmins. That was about a 10-hour train ride from Timmins to Toronto. You’d be able to knock that down to about three hours. The cost would be a lot less because, as it is right now, you’re paying, on a last-minute return ticket out of Timmins, 1,000 bucks on Air Canada. You could probably offer that on a train service for far less if we actually had developed that type of infrastructure.

Is there the passenger service to warrant a TGV-type train between northern Ontario and Toronto? I don’t know. That’s what you’d need the parliamentary committee for. I would argue it would be a really interesting thing to refer to a parliamentary committee in the intercession that we really look at the issue of developing a transportation policy in this province on ways to reduce traffic overall on our freeways across the province and that we look at the different models and technologies that are available to us.

The ironic part about this—I just thought of this—is it’s Canadian producers of rail equipment that do the biggest amount of sales in Europe when it comes to that type of technology. We all know about Bombardier. De Havilland and Bombardier are big players in Europe when it comes to providing the technology for the types of trains they use in Europe.

Again I say, I’ve travelled in different parts of the world and I’ve seen the complete opposite. I travelled to Thailand about four or five years ago and spent a month there one winter. It was really amazing. There is no infrastructure. They’ve got freeways and they’ve got rail service but—everybody’s seen the movie *Bridge on the River Kwai*. My brother Claude and I went to Kanchanaburi, the name of the town. We rented a car and driver, because I wouldn’t dare drive in Bangkok. Has anybody ever been there? Has anybody been to Bangkok? The traffic there is unbelievable.

Interjection: Red light cameras?

Mr Bisson: There’s no such thing as red light cameras. People drink and drive and it’s OK. When you have an accident over there, there are no rules at all. It’s catastrophic. You see burnt-out hulks on the side of the

freeway and you say, “What’s that?” “Oh, there was an accident here yesterday and it just finished burning.” Then they come and take away the burned car and throw it in the dump. I think the bodies go with it. I would swear to God, because when they have accidents, it’s really tragic.

Anyway, to get back to the *Bridge on the River Kwai*, it’s an actual story. Most people would know that Allied prisoners—the Brits, Australians, Canadians and Americans—were interned in camps along the Burmese-Thai border during the Second World War to build the railway that the Japanese needed to supply the troops and materials they needed to make war. It’s quite a tragic story, the number of Allied soldiers who died building these things, but there’s an actual bridge on the River Kwai. It actually exists. It’s a reconstruction of the 1943 model—

Mr McDonald: Not a bad movie.

Mr Bisson: Not a bad movie. I always thought that Niven was a little bit overrated, but that’s another story. The original bridge we see in the movie is a bit of a farce, because they made it out of bamboo and all that. It was a wooden bridge. It was bombed by the Allies and then the Japanese rebuilt it in 1943-44 out of concrete and it’s still there.

2120

My point, talking about bad rail service, is that my brother and I went out on the bridge to take pictures. We were walking out there and standing over the River Kwai. We were on the bridge, saying, “My, look at this bridge. It was built in 1943. All of a sudden, the train was coming down and there was nowhere to go. Tourists were sort of jumping off and squeezing—some of us can squeeze more than others. I had to find a pretty big spot back then because I’ve lost 20 pounds since then. You had to literally jump off to the side of the bridge to get out of the way of the train. It was pretty bad infrastructure, and consequently the only people who take trains there are people who have no choice. Unless you want the adventure, there’s no reason to do it because the system is quite bad.

I just say to the government that on the issue of transport, it would be very interesting to put together an all-party parliamentary committee to look at this issue and ask, are there ways to take traffic off our highways and put it on to rail service? What’s clear is that we can’t keep on going the way we are now. We can keep on building highways, but eventually it’s self-redundant. Build it and they will come.

The other thing I want to comment on about transportation, and this relates to rail as well, is how bad the east-west connections are in northern Ontario. My good friend Mr McDonald now has to travel as an MPP; he did before when he was on council. If you’ve got to go from, let’s say, Timmins to Thunder Bay, it’s 1,200 bucks return on Bearskin. Who can afford 1,200 bucks but an MPP and a few business people? We have our expenses paid. When I travel and take a \$1,200 ticket to go to Thunder Bay, I submit it to the finance branch and

they pay me back. Most business people, all business people, work that way. They submit the bill to their employer.

But if you're an individual in northern Ontario wanting to visit Thunder Bay for whatever reason, who can afford 1,275 bucks to go from Timmins to Thunder Bay return? My point is there's hardly any other way to do it except by driving. If you don't own a car, you either get on a bus, and a bus—I forget what it is; I actually checked it because I was thinking of taking it—is something like 14 or 15 hours. Most people say, "I'm not prepared to sit in a bus for 14 or 15 hours to get to Thunder Bay." There is a three- or four-hour layover in Hearst. You take the ONR bus to Hearst and wait three or four hours in the middle of the night. I've talked to people and it's not a very pleasant experience. Hearst is a beautiful community, but who wants to get off a bus in the middle of the night, especially in winter, for three or four hours and then take off and go to Thunder Bay?

So you say, maybe people can take the train. If you're in Thunder Bay, you can't take a train. You've got to drive an hour and a half away, I think to Longlac, to grab the train. Then if you're trying to get to Timmins, I guess with the train you would either end up in Foleyet or Chapleau, which would be the connection to get off, at which point you would then have to drive up to Timmins. We have effectively killed transportation in northern Ontario.

It's really come to a point where if you're trying to do business up north, it's a very expensive business. If you're trying to do business among northern communities, you had better have a car and be prepared to drive, or else have a lot of money and be able to fly, because there's no other real option for people to travel for business or pleasure in northern Ontario.

Successive governments federally—we've got the federal Liberal government that basically has devastated our transportation system up north after having said they were mad at Mulroney for trying to do the same. Jean Chrétien is five times what Brian Mulroney ever dreamed of being. I find that a really ironic thing. It bugs me. Everybody said, "That Mulroney, we just have to get rid of him." I voted against him. I didn't think he was any good either. But for the option they said, "We're going to vote for Chrétien," and Chrétien is five times what Mulroney ever wanted to be. He sped up privatization at the federal level like times five. He basically said he was going to rip up NAFTA; he signed it. He was going to scrap the GST; he still imposed it. Our transportation infrastructure up north has basically been devastated. I think one of the things we have to look at through this parliamentary committee is—

Interjection: Who voted for him?

Mr Bisson: That's the amazing thing. The psychology of why people vote Liberal is quite interesting. It's actually quite scary when you think about it, because they like to talk like New Democrats but they act like Tories. It's really interesting to watch Tories—I should say Liberals; same thing.

The parliamentary committee I suggest would be able to look at that issue of what transportation is like in northern Ontario, look at ways of being able to provide better services in the north so that when people are trying to do the east-west connection across the big part of the province—and it's big. As Mr McDonald and others from northern Ontario would know—Mr Gravelle is here as well, and Mr Brown—it is a really tough thing to do. So this committee could look at that particular issue, how we're able to increase the east-west connections across the north.

The other thing I just want to say in the three or four minutes I've got left this evening—I've still got time on the clock for the next time we come back—is the need for roads in some communities in northern Ontario. We haven't got any. We've got a whole bunch of communities in northern Ontario that have no roads at all.

When you guys are talking about putting extra lanes of traffic on the 401 or the 400, can we just take some of them, even if we didn't have the pavement on them, because we'd like to have a road from Highway 11 up to Moosonee. That would be a really good thing for a start. We'd love to have an all-season road going up the coast and connecting those communities. Ogoki is another community in my riding that would love to have a road that comes back down Highway 11 toward the Nakina area, and there's a whole bunch of other communities in northwestern Ontario. If you are talking about building roads in southern Ontario, we just want to remind the Minister of Northern Development and Mines, who is here, that we want some of those roads. You can leave off the asphalt. We're not greedy; we'll just take gravel and you can oil it every now and then. We'd just be happy to have a few roads up north in those communities that are landlocked.

Again, how do you do business in those areas? For example, for a community that has to bring in material for a construction project, building a house, a school, a hospital, whatever it is, the transportation cost is enormous. We can get it by rail up to Moosonee—that's not a problem—but try to get it beyond there. My good friend Mr Luke Cool, who's mayor in Moosonee and runs MTL transport services, basically barges that go up north—that's an expensive proposition for people who have to buy those products. So roads would certainly be a big thing.

I don't think people up on the coast or people in Howard Hampton's riding want it all done in one day. All they want to know is that there's a plan, that the government is committed to moving toward building roads on a reasonable timeline so they can say, "At least in my lifetime and in the lifetime of my children we're going to see roads that we never had before in some of these communities."

I want to advocate for the Speaker of the House, because I know there's no such thing as road rage in Manitoulin. That was mentioned earlier tonight, and I know, because I've driven in Manitoulin, it's impossible to get road rage there. He would like to have a couple of

highways as well. So on behalf of all us northerners, I'd just like to advocate, if you're talking about putting extra lanes on the 400, the 401 and all that stuff, boy, we would really settle for a couple of roads.

Speaker, I see it's almost 9:30. I would suggest we adjourn the House.

The Acting Speaker: It being almost 9:30 of the clock, this concludes this evening's discussion of red light camera pilot projects.

This House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2127.

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CONTENTS

Tuesday 8 October 2002

SECOND READINGS

Red Light Cameras Pilot Projects

Extension Act, 2002, Bill 149

Mr Sterling

Mr O'Toole	1949
Mr Maves	1951
Mr Miller.....	1952
Mr Bartolucci	1954
Mr Christopherson	1954
Mr Tascona	1954
Mr Patten.....	1954, 1962
Mr Colle	1955, 1963
Mr Marchese	1962
Mr McDonald.....	1962
Mr Bisson.....	1962, 1963
Debate deemed adjourned	1972

TABLE DES MATIÈRES

Mardi 8 octobre 2002

DEUXIÈME LECTURE

Loi de 2002 sur la prorogation des projets pilotes ayant trait aux dispositifs photographiques reliés aux feux rouges,

projet de loi 149, *M. Sterling*

M. Bisson	1962, 1963
Débat présumé ajourné.....	1972

CA20N
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-D23

Government
Publications



No. 40

N° 40

ISSN 1180-2987

**Legislative Assembly
of Ontario**

Third Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 9 October 2002

Mercredi 9 octobre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 9 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 9 octobre 2002

*The House met at 1330.
Prayers.*

LEGISLATIVE PAGES

The Speaker (Hon Gary Carr): Just before we start, I have an announcement: As you know, the pages aren't here today. The pages are going to be down at the trade centre performing for Her Majesty. There are some extra student pages here this afternoon, however.

MEMBERS' STATEMENTS

HYDRO RATES

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I found out today that Hydro One is nothing but a money-grabber. The Glengarry Golf Course in my riding had their meter read by Hydro One on June 13 when the rate was 3.2 cents per kilowatt hour. Then the July and August bills showed only an estimate, and guess what? The estimate was zero.

I wonder if this was because Hydro One knew all along that hydro rates would be going up and planned to rip off small, non-profit organizations like the Glengarry Golf Course.

Hydro One finally got around to reading the meter on September 11, when the rate was 8.5 cents per kilowatt hour, and they got a whopping bill of over \$7,400.

Due to the inefficiencies of Hydro One, the Glengarry Golf Course was hit with an increase of over 165% in comparison to the June rate. Why did they not read the meter in July and August when the rate was lower?

I am warning all Ontarians: check your hydro bills closely to make sure that Hydro One, the money-grabber, is not taking advantage of you. I understand that even the Minister of Energy had trouble reading and understanding the bill. I say to Hydro One, if you can't handle the job, give it back to the municipalities. They have the experience in the handling of hydro in their communities and they are up to the job.

LAKERIDGE HEALTH HOSPITAL AUXILIARY

Mr John O'Toole (Durham): I am pleased to rise in the House today to pay tribute to the hospital auxiliary to Lakeridge Health Port Perry. The auxiliary is celebrating

its 50th anniversary this year, and I'm sure we all wish them well.

Highlights of this year will include a special event in each of the villages and hamlets of the township that were instrumental in establishing the auxiliary 50 years ago. One of the founders was the late Jean Dymond, wife of the late Dr Matt Dymond, a former Ontario Minister of Health who served in this House for this riding.

There will be a special celebration on Saturday, October 19, and it will be in keeping with the decade when the auxiliary was founded. The evening will have a theme of the 1950s, which will suit me just fine.

Since 1952, the auxiliary has raised hundreds of thousands of dollars and donated countless volunteer hours toward assisting staff and patients. Since 1979, when cumulative contributions began being reported, they had raised an outstanding \$605,000.

Thanks to the auxiliary of Lakeridge Health Port Perry, the hospital has been able to purchase a wide variety of new equipment. The auxiliary has also given generously to building campaigns. They have just raised \$33,000 for instrument sterilization equipment. Most importantly, the auxiliary has always supported the hospital's goal of providing truly exceptional patient care.

All this is being accomplished today by approximately 125 volunteers. They're an outstanding example of service to the community. I'd like to congratulate hospital auxiliary president Gail Kerry and all the volunteers. I wish the auxiliary every success as they celebrate 50 years of working on behalf of the citizens of the township of Scugog.

HYDRO RATES

Mr Bruce Crozier (Essex): A constituent of mine, Fred Burns, came into my office recently. He was steaming about his hydro bill, and I can understand why. He's been told that hydro rates wouldn't go up. He's been told that he was paying some charges that are now unbundled. Well, let me tell you about the unbundling: 32% of his hydro bill is unbundled. He can't afford to pay these kinds of bills, things like debt retirement charge, \$13.01; distribution volumetric charge, \$14.50; monthly service charge, \$14.66; non-competitive electric charges—whatever that is—\$12.45; SSS administration fee, 25 cents; transmission connection service, \$10.04; transmission network service, \$11.44.

No wonder Fred Burns is upset. And then the minister says, "Don't worry. When the cooler weather is here, your hydro rates are going down." Today the IMO says

5.8 cents per kilowatt hour. That's not down from last spring, guys, that's up.

INTERNATIONAL PLOWING MATCH

Mr Marcel Beaubien (Lambton-Kent-Middlesex):

Great weather, delicious food, tireless volunteers, wonderful exhibitions and talented entertainers all combined to deliver the greatest Rural Expo since the event was inaugurated in 1913.

On behalf of the constituents of Lambton-Kent-Middlesex, I want to extend my appreciation and congratulations to the more than 1,500 volunteers who worked so unselfishly to make the IPM such an overwhelming success this year. Under the very able leadership of chairman Peter Twynstra and Ontario Plowmen's Association president Marie Chambers, Rural Expo 2002 more than lived up to its advanced billing as the largest agricultural show in Canada.

I also want to commend the three outstanding young women who represented our riding in the Queen of the Furrow competition: Karen DeClerk from Chatham-Kent, Dana Bryson from Lambton and Jennifer Ratcliffe from Middlesex.

More than 80,000 people attended this year's event, and like each of them, I was extraordinarily impressed with the quality of the exhibits, the generosity of the sponsors and the expertise of farm suppliers. For six days, rural and urban people came together to share in the quality of life that is unique to the agricultural community in rural Ontario.

Taking in everything this year's event had to offer reaffirmed for me how fortunate I am to represent the best people in the best area of the province. I wish I could convey to you in words the enormous pride I felt for what the organizers and participants accomplished in putting this whole show together.

In closing, I want to thank each and every person who took the time to share their view on farming issues while I was at the plowing match. I count on your words of encouragement and support as I strive to effectively represent each and every constituent of Lambton-Kent-Middlesex.

1340

GOVERNMENT'S RECORD

Ms Caroline Di Cocco (Sarnia-Lambton): Yesterday's revelation that the Harris-Eves gang approved in secret a \$10-million tax break for professional sports teams clearly shows this government has their priorities all wrong. The abuse of ministers' expenses that has gone unchecked and the secret deal for millionaire sports teams are all actions that prove this government is about being big spenders for themselves and secret deals for their rich, powerful friends.

The people of this province have watched this government cut services for people who have physical and mental disabilities and take over school boards who

would not jeopardize students' education with more cuts. We listened to this Premier just recently argue that in no way should the government subsidize community pools in Toronto, which serve 62,000 people.

It does not take rocket science to understand the benefits of physical activity, such as swimming. Considering the fact that two thirds of Ontario school-aged children are not active enough and we have an epidemic of obesity, the \$10 million would be better invested for fitness and well-being of children, youth and the general population.

This government has a misplaced sense of priorities. It lacks leadership in shaping a healthier, better Ontario.

EDUCATION FUNDING

Ms Marilyn Churley (Toronto-Danforth): Yesterday the Westwood school in East York in my riding of Toronto-Danforth held a rally to protest the loss of a beloved and very special teacher. This teacher has to leave the school because he is one of 100 teachers who are being moved around because of lost enrolment in schools in the Toronto area. We know that this is partially attributed to more and more kids going to private schools because this government's taking money out of the public system and putting it directly into private schools.

I want to applaud the people, the teachers and students of Westwood school for speaking out and say to the government that this is just one of many rallies and protests to come because of course, as we know, since 1996, this government has cut over \$1 billion from public education. We saw the loss of all kinds of programs, school closings and that sort of thing happening.

Now, because of a flawed funding formula that's the fault of this government, the government has taken over our democratically elected school board trustees. Here in Toronto, our trustees have been particularly picked on. They've had all their rights taken away from them, even more so than in Hamilton and Ottawa. This is not democracy. I urge the government not to wait for the results of the funding formula but to put the money back in our schools now. Put the kids first.

RENEE FILION

Mr AL McDonald (Nipissing): Today I rise before the House to give praise to a young lady from my riding of Nipissing. Renee Filion is a former student at École secondaire Algonquin and a graduate of the University of Western Ontario. Upon graduation from university, Ms Filion received the Governor General's medal for having the highest standing in any four-year honours program at the university level. Renee Filion is now studying at Johns Hopkins University in Baltimore where she's pursuing a master's degree in biomedical engineering.

According to the Conseil scolaire catholique Franco-Nord, the medal is by far the greatest achievement in the post-secondary educational world. The Governor Gen-

eral's academic medal was first awarded in 1873 by the Earl of Dufferin and has since become one of the most prestigious awards that a student in a Canadian educational institution may receive. The Governor General of Canada continues this tradition of encouraging scholarship across the nation and recognizing outstanding students.

I would like to personally say how proud I am of this fine young student who has excelled in schooling and continues to strive to be the best in academics that this great province of ours has seen in many years.

Congratulations also go out to Renee's parents, Jean-Marc and Lois. You certainly have raised a daughter with a strong work ethic and the ability to do well in whatever career she will ultimately pursue.

GOVERNMENT'S RECORD

Mr George Smitherman (Toronto Centre-Rosedale): If we didn't know it before, we certainly know now that the Tory government is full of double standards. We now know that when it comes to spending taxpayer dollars, they want everyone else to tighten their belts, but for cabinet ministers and their friends it's one after the other at the Eves trough. We have cabinet ministers one after the other, including the Premier, inappropriately expensing booze to the taxpayers and now we learn that you gave away \$10 million to your friends who own professional sports teams. Miki Harris said that pro sports teams wouldn't get a nickel from our government. Oh, quite a big nickel they got.

Jim Flaherty said he was against corporate welfare, but all of a sudden you sneak through a secret cabinet order to give away \$10 million to your friends.

And what do we see after that? One minister after the other doing their best interpretation of "Shaggy." "It wasn't me," they sang, and they sell and they try to convince Ontarians. It's not "Do as I say"; it's "Do as I do" over there—one set of rules for Ontario families, but no rules for you and your friends.

You know what? This bunch has the integrity of Brian Mulroney and the incompetence of Bob Rae. It's time for a change here in Ontario. Families will have a choice between an incompetent government with no integrity and a real leader with a real vision, a real plan and real integrity. That's Dalton McGuinty and the Ontario Liberal Party.

LACROSSE

Mr Toby Barrett (Haldimand-Norfolk-Brant): Today marks another chapter in a long and very unique relationship between the Six Nations and the monarchy of Great Britain. Eight members of the Six Nations Minor Lacrosse Association will be showing the finer points of their sport, the centuries-old national game of Canada, today in front of a royal audience in honour of Her Majesty's Golden Jubilee celebration ceremonies.

These young people have played the sport of lacrosse, known in native culture as the "Creator's game," much of

their lives, some since the age of 4. Many of their fathers, their grandfathers and their great-grandfathers have played the game. Today many mothers and daughters are beginning to make inroads in this sport. Lacrosse began its development with one rule: you cannot touch the ball with your hands. It has survived over the centuries and is played by professionals as well across North America.

Today's event will culminate with a formal presentation to the Queen and His Royal Highness Prince Philip of a handmade, inscribed lacrosse stick and a Junior A Arrows team jersey.

I'm very proud of my constituents from the Six Nations and share in the excitement of these athletes as they perform Canada's national sport in honour of our royal visitors.

VISITORS

Mr Toby Barrett (Haldimand-Norfolk-Brant): As with many MPPs in the House, I have other constituents visiting today. I wish to draw the attention of members present to the presence of my daughter, Brittany Barrett, in the members' gallery.

Mr Bob Wood (London West): On a point of order, Mr Speaker: I know all members of the House will want to join with me in welcoming some noted visitors from the London area. They are my godson, Jeremy Marin; my nephews and nieces Debbie Marin, Tyler Marin, Heather Tremblay, Dave Tremblay, Danielle Teeuwen and Christopher Teeuwen; and my friend John Rozeluk.

The Speaker (Hon Gary Carr): It's not a point of order, but we welcome our guests.

In the Speaker's gallery we have my mother. Joyce Carr is joining us today, as well as my mother- and father-in-law, Mr and Mrs Harold Neal.

So you'd better behave or my mum will be on you.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: In the spirit of welcoming guests to the Legislature, in the members' gallery west I'm pleased to recognize Mr Ken Lewenza, the president of CAW Local 444, and Mr Tom Burton, editor of the Guardian newspaper. Ken has taken time out of his busy negotiations with DaimlerChrysler to bring literally tens of thousands of signatures opposing the Union Gas retroactive increase. We all welcome them here today.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): On a point of order, Mr Speaker: I am very pleased to introduce a special group of young people today. They're from the Premier's riding. It's the Maples Independent Country School, here today.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon Gary Carr): I beg to inform the House that today the Clerk received the fourth report of

the standing committee on government agencies. Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

Mr Toby Barrett (Haldimand-Norfolk-Brant): I beg leave to present a report from the standing committee on justice and social policy and move its adoption.

Clerk at the Table (Mr Todd Decker): Your committee begs to report the following bill as amended:

Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act / *Projet de loi 60, Loi visant à accroître le rôle des victimes aux audiences de libération conditionnelle et à responsabiliser les délinquants à l'égard de leurs actes, prévoyant des normes relatives à la toilette des détenus et apportant d'autres modifications à la Loi sur le ministère des Services correctionnels.*

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

1350

ORAL QUESTIONS

EMPLOYER HEALTH TAX

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is for the Minister of Finance. In the last 24 hours, Ontario taxpayers have come to realize that their provincial government in Ontario, in early April of this year, a provincial government with very prominent ministers with names like Ecker, Flaherty, Clement, Tsubouchi, Stockwell and Hodgson, approved in secret a special multi-million dollar tax break for the rich and glamorous in the professional sports community, like the Toronto Blue Jays, for example.

What the taxpayers of Ontario want to know now is, since yesterday your Premier and many in the government indicated that they didn't know of and certainly didn't approve of this special, secret tax deal worth millions to good friends of the Ontario Conservative government, what specific plans do you have, as Minister of Finance, on behalf of your cabinet and caucus colleagues, to cancel and to rescind this special, secret, multi-million dollar tax benefit?

Hon Janet Ecker (Minister of Finance): As the Premier and I have been very clear, I am bringing forward options to the government to rescind it.

Mr Conway: My supplementary is this: can the taxpayers of Ontario now accept as a certainty that your government, the Eves government, will in very short order bring about an absolute and complete cancellation of the multi-million dollar tax break that was brought

about by the order in council signed on April 2 of this year?

Hon Mrs Ecker: Again, as the Premier made very clear, changes in tax policy are something that should be equitable. Changes in tax policy are something that should be openly announced to the public. This did not occur in this case. We have been very clear. I said in the House yesterday that I would look into the matter to see if anything untoward had occurred. Those principles were not observed, and I am looking at the legal options to rescind it.

Mr Conway: The outraged taxpayers are not interested in options and other things. What the irate taxpayers of Ontario want to know, and want to know today, with clarity and with certainty, is, are you saying today, without any qualification, that you and your colleagues in the Eves government are guaranteeing the cancellation of the multi-million dollar tax break that was occasioned by the April 2, 2002, order in council that provided this multi-million dollar tax break for groups like the Toronto Blue Jays?

Hon Mrs Ecker: I certainly can understand that the honourable member talks about the taxpayers being outraged. I'm sure the taxpayers are no more outraged about this than they were when your leader supported a financial bailout of the Senators in Ottawa. But I think the Premier has been very clear that this particular decision that he was not a part of does not meet what he believes to be the principles of a change of this nature. Therefore, again, as I have said, I'm bringing forward the legal options to rescind it. I would surely hope that the honourable member is not asking this government to proceed without due diligence in terms of matters that are very legal, in terms of matters that require the government of the day to observe the protection of personal information. We are exercising our due diligence to do that.

I'm sure with all the caterwauling over there, Mr Speaker, they've heard every word I've said.

The Speaker (Hon Gary Carr): New question?

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Deputy Premier. It's on the same issue, but on a slightly different part of it. The people of Ontario yesterday were truly shocked that the government planned a \$10-million tax break for the most privileged in this province. They were also extremely angry that all this was done behind closed doors, in secret. It was their worst fear, and that is that this is a government that looks after their friends and does it behind closed doors, while saying to the public that they are purporting to look after them. My question to you is this, Deputy Premier: do you agree that the public had a right to know about this deal?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): In response to the question that has been asked, I think the Premier has been very clear throughout his time in office that he believes fairness and equity must be the underlying principles with respect to his administration's policies. He has indicated that this issue will be resolved and the appropriate action taken.

Mr Phillips: Listen, that's just all words and no action. Clearly, this deal was hidden completely from the

public. The only way they found out about it was that it was dug up through a lot of hard work in spite of your best efforts to keep it as quiet as you possibly can and hide it from the public. Ten million dollars to the most privileged in Ontario, all hidden from the public, and you only decided to do something about it when you got caught.

I say this to you: will you agree—because I think the public have a right to know that somebody's going to look at your actions—to send this issue to an all-party legislative inquiry into how in the world \$10 million could be silently, quietly signed behind closed doors to the most privileged people in the province? Will you agree to allow an inquiry by an all-party legislative committee?

Hon Mrs Witmer: The Premier made it clear yesterday that he was looking for and had asked the Minister of Finance to seek a solution to this problem. I would just repeat to you that throughout his term in office he has made it very clear that he believes in equity, that he believes in fairness and that he believes in transparency. I might add, it's no secret that we have cut taxes many, many times, 200 times, for the people in this province.

Mr Phillips: It's now no secret that you gave 10 million bucks to your friends. That's the thing that's no longer a secret. I say to the people of Ontario, listen carefully to what Mr Eves, the Premier, is saying now: no, he's not going to allow a public airing of this. It's going to stay behind closed doors.

I say to you again, will you, on behalf of Premier Eves, allow a public airing of this, with a legislative committee conducting a fair inquiry into how in the world \$10 million of hard-earned tax money that could have been used for health care and education was sent to your best privileged friends?

Hon Mrs Witmer: I will remind the member one more time: the Premier has made it very clear, and certainly all of his actions have indicated, that he believes in transparency, that he believes in accountability and that he believes in fairness and equity. I'll tell you, I find it passing strange that yesterday, when these allegations were made, your leader snuck out of this House, because he was responsible in asking for tax breaks for the Ottawa Senators in 1999.

HYDRO RATES

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy. Minister, it seems you still haven't read your market surveillance panel's report on the problems with privatized Hydro, so I'm going to send you over a large-print copy of the salient section. Hopefully you'll be able to read it now, because what it says is:

"There is a serious shortage of generating capacity to meet Ontario's growing demand for electricity.

"If steps are not taken to address this situation, Ontario could face even more serious reliability problems next summer, leading to the possibility of supply interruptions

and continued upward pressure on prices during periods of peak demand."

Minister, as a result of hydro privatization and deregulation, Ontario is in big trouble. What are you going to do to keep the lights on in our province?

Hon John R. Baird (Minister of Energy, Minister responsible for francophone affairs): This government, as all in the province do, take the report levelled by the surveillance panel on this issue very, very seriously. We think it's a reasonable thing to do. I would share the concern that they have about the supply adequacy in the province of Ontario as we move forward in the next two, three, four or five years.

1400

The independent market operator had two reports. I accept the report they tabled this week and their comments on the issue of the amount of supply in the province. I also take very seriously their 18-Month Outlook. That's the report where they look specifically over the next 18 months as to how much power supply should exist in the province, and I'd like to quote from that: "The energy production capability is generally expected to be well above energy demand levels in each month of the outlook period."

To answer the last question from the leader of the third party, if there's one thing we could do to prepare the Ontario marketplace next year with respect to hydro, it is that we could tell people who leave their lights on when no one's home—and that would certainly be advice I'd give to the leader of the third party.

Mr Hampton: You told the estimates committee that in your view part of the problem in Ontario is that hydro prices have been unrealistic, and yesterday you told the estimates committee that prices need to be higher in order to attract private sector generating stations.

Your own market surveillance panel says that despite all of your talk, the private sector is not building the generating stations that we need. Maybe you could tell the consumers of Ontario how much higher hydro prices have to go in your world of hydro privatization before your government can entice the private sector to build the generating stations that are needed.

Hon Mr Baird: With respect to the question the honourable member asks, obviously the prices went up in the province in the months of July and August. We did have the hottest summer in 50 years. The report, on at least three or four occasions, spoke of the heat wave we had in Ontario.

The report also, and the leader of the third party didn't mention this, throughout the entire report, from the beginning to its conclusion, talks about the benefits of having open market electricity and talks about how, while the first few months have not been easy, they have been worthwhile. It talks about the benefits of an open market. I find it passing strange that the leader of the third party doesn't want to talk about that.

I did read the specific section that he gave me. He said, "the generating capacity to meet Ontario's growing demand for electricity." In Ontario, the good news is,

under this party and this government, we have a growing need. There are more jobs, there's more hope and there's more opportunity. That requires more electricity, and that's good news to the people of Ontario.

Mr Hampton: Minister, they're your words. You were the one who said that Ontario's electricity prices will have to go higher in order to entice private generators to come into the province and build more generating stations. People across Ontario saw their hydro bills go out of sight this summer. I think that as the Minister of Energy you owe it to the consumers of Ontario to tell them, since in your government's view the price of hydro has to go higher still in order to entice private companies to build generating stations, how much higher, in your government's view, do hydro prices have to go? How much more do people's hydro bills have to increase before your government will entice private sector companies to build more generating stations? You owe it to people. What's your answer?

Hon Mr Baird: I think that is an unfair comment and analysis of my appearance before the estimates committee. What I did say is that some in the industry would like to see higher prices before they made investments. For example, in solar power, if rates were as high as 12 cents a kilowatt hour, solar power would be commercial, and some in the green sector would like to see that. I want to see and this government wants to see the lowest rates possible in a competitive marketplace.

The member opposite loves to get up and talk about high rates. He failed to stand in his place and mention that just yesterday rates fell to just 3.02 cents.

TAX EXEMPTION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Deputy Premier. Yesterday you got caught pumping public money into the pockets of sports millionaires. Today you announced a review of this shameful practice.

If corporate welfare for sports millionaires really upsets you, then I want to ask you to look at a tax break that your government gave another professional sports team, the Ottawa Senators, two years ago—a \$4-million tax break. You exempted the Ottawa Senators from millions of dollars in education property taxes that should have gone into our crumbling schools, and you did it, yes, with the full support of Dalton McGuinty and the Liberal Party. Since you're rescinding sweetheart tax deals for millionaire sports teams, will you rescind that one as well?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'm going to ask the Minister of Finance to respond to the question.

Hon Janet Ecker (Minister of Finance): Municipalities had the option to change their property tax system to make sure that sports facilities—not teams, but facilities, as I understood it—were on an equitable basis with other entertainment facilities.

I think the honourable member does make an interesting point, though, that Dalton McGuinty, an Ottawa MPP, supported both federal and provincial bailouts. "I'm very pessimistic about the future of the team." "McGuinty says the government should consider allocating a share of money to keep the Senators in the region." There are lots of quotes where the honourable member, the leader of the Liberal Party, was very supportive when it was his team that was being bailed out through a municipal tax break.

Mr Hampton: Our schools are crumbling, some 40,000 children are on special education waiting lists, children are out there selling candy bars in order to buy textbooks, and your government passed legislation giving a \$4-million tax break to a professional, millionaire hockey team. I say that money should go back where it belongs: into our schools, into our children's classrooms.

If it's not acceptable to give a \$10-million tax break that you got caught in yesterday—and I agree, it's not acceptable—then the \$4-million tax break equally isn't acceptable. If you're going to review and rescind one, will you also rescind the other?

Hon Mrs Ecker: I think our record in terms of investments in health and in schools speaks for itself. In this spring budget alone, there was over \$1.7 billion of more new money for health care—important investments to expand services. Do we need to do more? Of course we do. That's why we asked the federal government for their support in expanding health services for Ontario residents.

Education spending has gone from \$12.9 billion to \$14.3 billion. Special education alone has increased by 17%, and the way we fund education is under review to see if we can improve it even further. So we understand and recognize the need to invest in priority services like health and education. We will continue to do that.

EMPLOYER HEALTH TAX

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Deputy Premier. I say that what has outraged people, in addition to the \$10 million, is that somehow or other you were able to do all of this behind closed doors, in secret, hidden from the public—a \$10-million break for the most privileged in our province—and the only way the public ever found out about it was through a considerable amount of work done by people using freedom of information to finally get at it.

I say to you again: this is no way to conduct the public's business. They have a right to know this. The public wants to know now what we're going to do about it. I propose again to you, Deputy Premier, that we refer this to an all-party legislative committee to conduct an inquiry into how in the world the government would have the right to spend \$10 million of taxpayers' money behind closed doors without ever informing the public. Will you agree to that?

1410

Hon Mrs Witmer: The member opposite knows that if you take a look at the process involved in this, there

has always been a process involved in cabinet decision-making. It is a system that undertakes due diligence. There are people in your party who have been part of a cabinet and know full well the process that is involved.

You also probably know that there are exceptional cases when cabinet decisions are made outside of the regular scheduled meetings, and the process that our government has followed, your government followed and the NDP government followed has been in place since 1899.

Mr Phillips: Again, the Premier said yesterday he had no idea about this. The cabinet have all run from it. The public say, "Who made this decision? Who made it? How did it get made; \$10 million of my money, as a taxpayer, spent on the most privileged in the province, money that could have been used for health care and education?" and nobody understands the process, including the Premier.

I say to you again, Deputy Premier, the public has a right to understand how in the world this happened. How did it happen? Frankly, they don't trust you to investigate it once again behind closed doors with just your little group there. They want this out in the open.

I say to you again, what is wrong with this? Why not refer it to a legislative committee, public, all-party, to conduct a proper inquiry into how this happened?

Hon Mrs Witmer: To the member opposite, just to set the record straight, I think it's important to acknowledge the fact that the Premier was not a member of executive council at the time; however, he has indicated also he's not prepared to pass judgment on decisions of ministers in previous cabinets.

I will say to you that since the Premier became Premier of this province, he has demonstrated that he acts in a way that is accountable, fair and transparent. He has indicated that he has asked the Minister of Finance to resolve this situation, and I have every confidence that it will be resolved in a satisfactory manner that will meet the needs of the people in this province.

NUTRIENT MANAGEMENT

Mr Bert Johnson (Perth-Middlesex): My question is for the Minister of—

Interjections.

Mr Johnson: If I could have a little attention from the member for Windsor—I'll wait until the member for Windsor lets me have some time in here.

The Speaker (Hon Gary Carr): Take a seat. The member for Windsor, do come to order please.

Mr Dwight Duncan (Windsor-St Clair): That's Windsor West.

The Speaker: Yes, Windsor West.

Mr Johnson: My question is for the Minister of Agriculture, Food and Rural Affairs. Farmers across my riding are very interested, keenly interested, in the developments related to the Nutrient Management Act. They want to ensure that the new requirements will allow them

to remain competitive as well as protecting the water quality in their communities.

Minister, I understand that our government has commenced a series of consultations across Ontario on this important initiative. Can you inform me and the rest of the Legislature on the progress of these discussions?

Hon Helen Johns (Minister of Agriculture and Food): I'd like to thank the member for Perth-Middlesex for the question and once again congratulate him on his active interest in agriculture and Agriculture Week. He's done a fabulous job of keeping agriculture in the forefront.

I want to say that of course we've been working very hard over the summer, the Minister of the Environment and myself, to get regulations out on the nutrient management plan. As the Premier has said many times, we are committed to implementing the Justice O'Connor recommendations, so we went out and started to do consultations in August. At that time, we got three consultations done in Caledonia, Clinton and Wallaceburg. I know that Minister Stockwell is going into Kemptville this Friday and will be in North Bay next week discussing the nutrient management plan and the first two regulations.

These first two regulations talk about the phase-in provisions and the nutrient management plan itself. I must say, although we've had some very good suggestions, that generally all round people like the first two regulations and are looking forward to the next set.

Mr Johnson: Thank you, Minister. It sounds like you've got a very busy schedule ahead of you. We're keenly interested in the Nutrient Management Act and how it's going to influence agriculture out in the rural part of Ontario. Indeed, the detail from these meetings that will come out in the legislation is very important. Minister, can you provide some details regarding the issues that are being discussed at some of these meetings?

Hon Mrs Johns: Let me say that the expertise that comes to these meetings has been eye-opening, and we're very grateful for the information they have given us. As I said, when they talk about the stage 1 regulations, they've been very accepting. They've liked the idea of the nutrient management plan. They have seen some of the details in there, the categories of operation and when the phase-in will happen.

In the second set of the consultations, we're really talking more about the nutrient management bylaws that exist now and how the province will come about to take those bylaws and get a provincial system. So we are looking forward to that. We're also talking about some of the very strong environmental issues like municipal sludge and pulp and paper. Those issues will be discussed also.

I want to emphasize that the Minister of the Environment and myself have guaranteed that we'll be out to consult with each new set of regulations we have, so we hear what the people of the province of Ontario have to say. This is very important to the future of agriculture and the future of our water safety in the province—

The Speaker: The minister's time is up.

ACCESS TO ORDERS IN COUNCIL

Mr Dwight Duncan (Windsor-St Clair): My question is to the Deputy Premier. I listened very carefully to what she suggested about the Premier's desire to have an open review of what happened earlier. At 11 o'clock this morning, a member of our staff went to cabinet office to seek orders in council for the period roughly from March 23 to April 15. That is the transition period. All of those orders in council were available last week when we went to look at them. Today we were denied them. Today we were told we couldn't have them and that they wouldn't be available for at least several days. Can you tell us why they were available last week, why they are not available today and why the process has been changed all of a sudden?

Interjections.

The Speaker (Hon Gary Carr): Order. Come to order, please. The Deputy Premier has the floor.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I understand there is a process involved and I am sure the information will be made available according to the process. But if we're going to talk about these sports breaks and what have you—

Interjections.

The Speaker: Supplementary?

Mr Duncan: We followed the process that has been in place, as we did last week, as we do all the time. I'll ask you again, will you make those orders in council available that were available up until last week? Will you make them available to our research and to anyone else that wants them out of cabinet office as they were, at least up until last week? Why could we not access those today as we could last week?

Hon Mrs Witmer: I understand there have been no changes made to the process. Due process will be followed and that information will be made available to you.

HIKE ONTARIO

Mr AL McDonald (Nipissing): My question today is for the Minister of Natural Resources. Many Ontarians, including myself and my family, take every opportunity we can to enjoy the wonderful outdoor activities this beautiful province has to offer. One of these activities—

Interjection.

The Speaker (Hon Gary Carr): Member take his seat. Come to order, the member for Windsor West, please. The member for Nipissing has the floor. If people want to carry on discussions, they can go with each other and do that, but the member for Nipissing has the floor. I apologize for the interruptions.

Mr McDonald: Thank you, Mr Speaker. I'll start again.

Interjection.

The Speaker: Government House leader, come to order. Two seconds after I sit down, you immediately yell. That's why she starts up. If you would leave it alone, we wouldn't have this going on. You continue all the time to egg on the other side. When I stand up, I'd appreciate some co-operation from the government House leader.

The member for Nipissing.

1420

Mr McDonald: I'll start again. My question is for the Minister of Natural Resources. Many Ontarians, including my family and myself, take every opportunity we can to enjoy all the wonderful outdoor activities this beautiful province has to offer. One of these activities is hiking. Minister, I was very pleased to hear you're announcement regarding Hike Ontario last week, but could you please explain to us here today what Hike Ontario is and how all Ontarians can benefit from what they do?

Hon Jerry J. Ouellette (Minister of Natural Resources): I thank the member from Nipissing for the question. October is Let's Hike Ontario Month, and that's why last week I was happy to announce \$300,000 in funding for Hike Ontario through Ontario's Living Legacy.

Hike Ontario is a non-profit organization which represents the interests of walkers and hikers in Ontario. Its membership includes numerous hiking clubs and thousands of individuals. Hike Ontario provides a leader's certificate program, publications and books, a newsletter and Ontario hike month, all of which promote and encourage the people of Ontario to experience Ontario's great outdoors.

Any Ontarians wishing to get outdoors need look no further than Hike Ontario. These fine people will help anyone regardless of age get started on their hike.

Mr McDonald: Thank you for that answer, Minister, and I couldn't agree with you more. This is a wonderful province we live in and Hike Ontario does a fantastic job of promoting it. Could you fill us in on what Hike Ontario will be doing with these funds?

Hon Mr Ouellette: We are fortunate in Ontario to have thousands of kilometres of recreational trails that spread across the province. As a matter of fact, I've hiked hundreds of kilometres of the Bruce Trail myself. The area, enjoyed by young and old alike, can range from simple walks on flat terrain to challenging hikes in some most rugged areas.

The funds announced last week will be used to design and install hundreds of interpretive signs along trails across the province, and whether it's Toronto's popular lakefront trail right in the core of the city, the world-famous Bruce Trail along the Niagara Escarpment or the spectacular Voyageur on Lake Superior, these additions to the trails will properly showcase the green space and natural beauty that make Ontario unique.

I would like to take this opportunity to officially acknowledge the Let's Hike Ontario Month of October and encourage everyone to get out and hike the Ontario we're fortunate enough to live in.

ONTARIO DISABILITY SUPPORT PROGRAM

Mr Tony Martin (Sault Ste Marie): My question is for the Minister of Community, Family and Children's Services. Last June, in order to escape the overwhelming pressure of the demand for an increase in the ODSP disability pension, you said you would review the amounts being given. In response to a private member's bill that I introduced to give a modest increase based on the cost of living to people living with disabilities in the province, which your government members defeated, you said you would carry out a review. Minister, what is the status of that review and when can the disabled in this province expect an increase in their pension?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I thank my colleague in the opposition across the way for the question. I continue to meet with individuals to learn their recommendations about different parts of the Ontario Disability Support Program, and it is ongoing.

Mr Martin: It's been almost four months now that the disabled in this province have been living in poverty because this minister cannot get her house in order and her act together. Minister, do you even know what the poverty line for people living in cities in this province is? It's \$18,371. Single people who depend on the ODSP receive \$11,160 a year. They live \$7,211 below the poverty line and yet you're quite happy to keep the rates where they are and sentence people with disabilities to a lifetime of abject poverty while you do your inquiring.

Minister, I ask you again: will you commit today to increasing the benefits for people on the Ontario Disability Support Program in this province, which you have the power to do?

Hon Mrs Elliott: To my colleague in the opposition across the way I say I find it interesting that he would continually question me on this file because this is the party across the way that did nothing for Ontario disability support recipients while they were in government—not one thing. It was our government, when we came to power in 1995, that introduced tremendous reforms that reformed welfare—transformed welfare—to an opportunity, which, by the way, was referred to by a welfare recipient I talked to recently as “opportunities galore.”

It is our government—the Ernie Eves government, the Mike Harris government—that took the Ontario disability support plan out of the welfare system and implemented a number of changes—and benefits, I might add—that did not exist before, and we will continue to do more.

HYDRO RATES

Mr Michael Bryant (St Paul's): My question is for the Minister of Energy. He's reading hydro bills.

Minister, your inability to read a hydro bill yesterday testifies to your government's hydraulic incompetence on

matters of energy. It is not enough to say that you have only been the minister for 40 days. I would have thought that every member of the government caucus could explain a hydro bill to a constituent. You have had seven years to ensure reliable and affordable electricity to Ontarians and to provide hydro bills that make sense, and yet yesterday, in your own words, hydro bills for all Ontarians are “gobbledegook.”

I thought you were the people who were going to fix the government, not gobbledegook the bills. It doesn't exactly inspire consumer confidence when an energy minister cannot understand energy bills that average Ontarians are supposed to make sense of.

When, Minister, are Ontarians going to get clear and accountable hydro bills? When are they going to be spared this continued gobbledegook?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): When you go around the province of Ontario, whether you're in Sault Ste Marie and have Great Lakes Power or whether you're in the city of Ottawa and have Ottawa Hydro or you're here in the city of Toronto and have Toronto Hydro, every hydro company, every electric corporation, every local distribution company has their own way of presenting things.

Frankly, I'm a consumer just like everyone else.

Mr Bryant: That's the problem.

Hon Mr Baird: The member opposite says, “That's the problem.” This is the party that voted against standardized property tax assessment bills because they didn't like that. They said it was overly prescriptive and it was the government meddling in things.

I think it would be important that every local distribution company in the province be able to present clearly and in plain language their charges to the consumer. I do think it is a better system now that we can actually break out these expenditures. In the past, people didn't know all of the expenses for which they were charged. There are Web sites available which local distribution companies—not the Ontario government or my ministry—who present these bills alert people to, and I think that's well worth it.

Mr Bryant: Unbundling bills was a good idea, but obviously the execution was a failure if the energy minister can't read energy bills. I think the minister would agree that we need to standardize the bills. The bill that reads one way in Sault Ste Marie ought to read the same in Ottawa and Toronto. I think we need to do that. I think we need to add some clarity and some transparency to the bills. Words like “volumetrics” should not show up on a consumer bill. We need to provide some accountability to ensure that ratepayers know where their money is going, whether it's going to transmission or distribution or paying for electricity.

Minister, what I'd like to know now is, when are you going to fix the bills? You said yesterday that you didn't understand them and that they were, in your words, gobbledegook, so you've got to fix them. When are you going to fix them? And in the interim, what relief are you going to provide to ratepayers struck dumb by their hydro

bills, who don't understand them? What are you going to do to help the consumers of Ontario?

Hon Mr Baird: I agree with the member opposite that confusion in the marketplace is unhelpful. Confusion is unhelpful when it comes to hydro rates; it's also unhelpful when it comes to political promises.

Let's look at what Dalton McGuinty said. He said in one clip, "I am in favour of privatization both in terms of the transmission and the generation. I think it's the right way to go." Then the consumers of political information get the following: "I've been very consistent.... I think it should be left in public hands." Then he was asked if he was misquoted. Dalton McGuinty's response? "If you take a look at the quote, it's a paraphrase."

I think the people of Ontario continually are confused by the flip-flopping of the party which the member opposite represents, and they would like to know where he and his party stand and see them stay there on one issue, on one occasion.

1430

DAIRY FARMERS

Mr Bert Johnson (Perth-Middlesex): My question is for the Minister of Community, Family and Children's Services.

I come from a rural riding. We have many, many farmers. It's my understanding that you were part of an announcement last week with the Dairy—

Interjection.

Mr Johnson: This may not be of interest to anybody from Hamilton, because you may not have many farmers down there, but they're an awful important part of my riding.

Out of the announcement last week with the Dairy Farmers of Ontario, could you please tell the House and the farmers in my riding, and also those from Hamilton, what you announced with the Dairy Farmers of Ontario?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I thank my colleague from Perth-Middlesex for his tremendous championship of farming and agriculture in the province of Ontario. He would have loved to have been part of the announcement. I was surrounded last week by dozens of little kids wearing cow print hats and sunglasses and lunch bags. They were all excited because I was at King Edward school. I was there as part of an anniversary celebration and I was there presenting a \$1-million cheque to the Dairy Farmers of Ontario. This is a fabulous program that we're supporting through the government. We're supporting this because this organization, of whom we're very proud, for 15 years has been providing and is building a program that provides milk to children six years and under, for junior kindergarten, kindergarten and grade 1, in almost 3,000 schools across the province.

Not only do they provide milk, a very nutritious food; they provide nutrition education and they make sure that milk is accessible and affordable to children under six in these various schools that they serve. It's a great

program, and through the challenge fund I was delighted to give them that \$1 million.

Mr Johnson: Minister, that is indeed good news. This expanded elementary school milk program is great. Children all across the province will benefit from having milk available to them at school, not only from a health point of view but from the nutrition that it provides at that very early age.

Minister, you mentioned that this program is part of the Early Years challenge fund. Could you tell me and my constituents what the challenge fund is and what other initiatives have received challenge funding in my great riding of Perth-Middlesex?

Hon Mrs Elliott: The challenge fund is a \$30-million program that our government sponsors. It's part of our Early Years program, as he indicated, where we try to focus resources on early years for the children to give them the healthiest, brightest start possible. This is a program where we contribute equal amounts of money to organizations, to various groups across the province who design a program that meets a need in their community. We have already approved 260 new programs in various communities.

To my colleague in Perth-Middlesex, I'm pleased to tell him that there are four projects sponsored under this challenge fund in his area: Arts Kids, Preschool Intervention Program for Children and Parents, the Salvation Army Community and Family Services Parenting Project, and the Perth County Prenatal Health Fairs.

To my colleagues in the Legislature, there are programs, not just the milk program but many others, that are happening in their very own communities, all sponsored under the challenge fund, again designed to give children the healthiest and best start possible.

DIAGNOSTIC SERVICES

Mrs Sandra Pupatello (Windsor West): My question is for the Minister of Health. Minister, we've got a long weekend coming up this weekend. What that usually means from your ministry is that you drop some kind of an announcement, usually a relatively controversial one, on the Friday night of a long weekend. Last time it was Canada Day. Do you remember that one? Then we had Labour Day. One was the massive 15% to 30% increase for seniors.

We've got a long weekend coming up. I'd like to know what the status is of the RFP process for private MRIs in Ontario.

Hon Tony Clement (Minister of Health and Long-Term Care): I'm not sure what she's referring to. We do have a process to increase accessibility for our diagnostics using stand-alone clinics that are within the Canada Health Act that are open and accessible to the citizens of Ontario using their OHIP card, not their Amex card. If that's the proposal to which she is referring, it's on track.

Mrs Pupatello: Minister, what we know is that we have 16 ridings held by your MPPs that are desperate for an MRI or CT. These are proposals that have already

gone before you. These are communities that have raised a significant amount of money and that are still waiting for announcements of MRIs and CTs.

You said an RFP process would be available this fall to get underway this two-tier private MRI campaign. It is the fall. Minister, we'd like to know what the status is. We want to know if the private companies are putting up all the capital money, or is the government going to include capital money in this scheme? We'd like to know where the radiologists are coming from, because we're short 150 in Ontario and short hundreds of technologists in this area. These are questions that we demand be answered before you come forward with a request for proposal process. We haven't heard the answers yet, and we'd like to know what your timing is going to be.

Hon Mr Clement: I can say to the honourable member that indeed there is a lot of demand for diagnostic services. We know that. We heard that from the people of Ontario. That's why the Ernie Eves government is acting in a number of different ways in this area. For instance, in Minister Ecker's budget there was an increase, by 90%, of the hours of operation that are paid for for MRIs in our hospitals. We are proud of that on this side of the House. Since that budget, we have been approving MRIs and CTs: the CT in Lake of the Woods that was announced by Minister Wilson, the MRI in Oakville that was announced by this government.

The Ernie Eves government is there for diagnostic services because the people of Ontario deserve to have the best, the most accessible, the most successful diagnostic services that are available in this province and in this country. That is what the Ernie Eves government stands for, and the member can be assured that her constituents will be the beneficiaries of that as well.

NATIVE PEOPLE

Mr Garfield Dunlop (Simcoe North): My question today is for the Attorney General with responsibility for native affairs. Minister, before I ask the question, I just wanted to thank you very much for the grant through the aboriginal community capital grants program of \$293,000 that went to the G'Nadjiwon Ki Aboriginal Tourism Association in my riding. That fits in very well with Casino Rama, which of course is the largest employer of aboriginals in our nation. I thank you for that cheque.

I know you have been building relationships with First Nations leaders since you took office as Attorney General and minister responsible for native affairs. You've established a formal process to meet with First Nations leadership twice a year. Just last week, there was a visioning session at Queen's Park, which was attended by the Premier and many other cabinet ministers. Can you please update the House on what has been achieved at these meetings?

Hon David Young (Attorney General, minister responsible for native affairs): I thank the member for Simcoe North. He and I have worked together on a

number of successful endeavours in this field and in others. I do appreciate his assistance.

Before I answer his question, Mr Speaker, I thought I would just take a moment to advise you, sir, that we have a special guest in the members' gallery today, and that is Ted Nolan, a former NHL star and former coach of the Buffalo Sabres. I thought we'd give him a round of applause.

Applause.

Hon Mr Young: Indeed, last week we had a tremendous meeting. We had native leaders from across Ontario come together for another dialogue. This is one in a series of discussions that we've had to try to address some of the very serious issues, both short- and long-term, that exist. There are some challenges in native communities across this province, but there are also some tremendous success stories, and we talked about and highlighted both at the meeting.

In attendance were my colleagues. Minister Ouellette, Minister Wilson, Minister Cunningham, Minister Flaherty, and Minister Galt all were there during the course of what was a very productive day. We talked about land use mapping and we talked about the tripartite process. We have made real progress on these very important issues.

Mr Dunlop: Minister, I thought for a moment you were going to point at Andrew Hodgson.

I know that you also met with First Nations and leaders representing Metis and aboriginal organizations, formally and informally. There is also a national forum involving federal-provincial-territorial ministers of aboriginal affairs and national aboriginal leaders. What other initiatives have you undertaken to enhance relations with aboriginal people?

Hon Mr Young: I must tell you that this is a very rewarding part of my job. I've had an opportunity to visit in excess of 17 communities across Ontario and to meet some tremendous people. I've had an opportunity to learn from those experiences a great deal and take much of that knowledge to federal-provincial-territorial conferences. We've had three to date, all very successful.

Out of one of them, the last one, we did talk about a business summit, a national summit that will take place in Toronto. We are co-hosting, with all the other territorial and provincial governments as well as the federal government. It shows what can happen when governments and aboriginal leaders work together in a very positive way. I'm very proud of that.

We have a further federal-provincial-territorial-aboriginal meeting scheduled for next month in Nunavut. We are conferring with native leaders from across this province so that will be just as productive as the previous meetings we have had.

1440

HOSPITAL FUNDING

Ms Shelley Martel (Nickel Belt): I have a question for the Minister of Northern Development and Mines. You recently announced a \$600,000 grant for the

Sensenbrenner Hospital in Kapuskasing to cover the hospital's operating deficit. Can you tell us where the money came from?

Hon Jim Wilson (Minister of Northern Development and Mines): That money is coming from the Ministry of Health and Long-term Care.

Ms Martel: That's a strange answer, because we talked to Ministry of Health officials this morning and they said they have no idea where this money is going to come from. In fact, they were taken completely by surprise by your announcement.

However, you have made a very specific commitment to Sensenbrenner and now it has to be kept. More importantly, you now have an obligation to ensure that every other northern hospital which has an operating deficit will have that deficit fully covered too. That includes the Sudbury Regional Hospital; it would include the Notre Dame Hospital in Hearst.

Minister, who do our hospitals have to apply to for this money, and can you guarantee that their operating deficits, all of the operating deficits of all northern hospitals, will be fully covered too?

Hon Mr Wilson: Sensenbrenner Hospital has gone through the wringer. It has a legitimate \$600,000 deficit left over. We did cover the first \$500,000 of that. We're working on the \$600,000.

Interjections.

Hon Mr Wilson: I'm well aware, as a former Minister of Health in this province, that there are Liberal and NDP bureaucrats at the Ministry of Health who don't want to help northern Ontario. I'm well aware they're bucking this proposal too. But I've made the announcement in conjunction with the Minister of Health, on behalf of the people of Ontario, to give \$600,000 to cover the deficit, and I expect it to be done, as Minister of Northern Development, for the people of northern Ontario, and it better bloody well be done.

The Speaker (Hon Gary Carr): New question. The member for Kingston and the Islands.

HOME CARE

Mr John Gerretsen (Kingston and the Islands): My question is to the Deputy Premier.

Interjections.

The Speaker (Hon Gary Carr): Take a seat.

The member for Kingston and the Islands.

Mr Gerretsen: Deputy Premier, on April 29, 1998, when you were Minister of Health, you and your government made a solemn promise—

Interjections.

The Speaker: The member take his seat. We'll let him start up.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: Let the record show that the Minister of Northern Development is now threatening to fire—

The Speaker: That is not a point of order. Take your seat and stop wasting time. The member take his seat. It's not a point of order. You're wasting time.

The member for Kingston and the Islands has the floor.

Interjections.

The Speaker: Order. Minister of Northern Development, come to order or you'll spend the afternoon—he can go over and ask for the money because he's going to be thrown out. Come to order, please.

We're wasting time. We've got down to the Liberal question now. The NDP hopes to get the question in, and then they stand up and do points of order when the Liberals have a question.

The member for Kingston and the Islands has the floor.

Mr Gerretsen: This is a very serious issue that affects over a million people in this province. On April 29, 1998, when you were Minister of Health, you and your government made a serious promise and commitment to the people of Ontario to enhance the community care and nursing services in this province by \$551 million over seven years. In early September of this year, over a million Ontarians were represented at emergency meetings to address, in their words, the home care and community care crisis facing those in need and their caregivers.

Twenty-three different organizations, from the Alzheimer's Society of Canada and Ontario to CARP, to the Victorian Order of Nurses, pleaded with you to lift the freeze on home care that you instituted two years ago. In a joint letter signed by these organizations to the Premier, they state, "All of us continue to receive an overwhelming number of cries for help from Ontarians barely surviving without adequate care, especially seniors with long-term-care needs and others of all ages and disabilities whose needs are not being met."

Minister, why don't you live up to your commitments and immediately reinstate the \$140 million that you have not supplied to the home care community and that was part of your solemn promise that was made in 1998? These people need care. Do the right thing—

The Speaker: The member's time is up. Deputy Premier.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'm going to refer that to the Minister of Health.

Hon Tony Clement (Minister of Health and Long-Term Care): I can inform this House that when it comes to home care, the Ontario government provides the most generous level of home care services in Canada, approximately \$128 per capita. That's because we know how important accessible home care is to the citizens of Ontario.

To answer the honourable member's question directly, if his question is whether we are contributing, on behalf of the taxpayers of Ontario, more financial resources to home care through the community care access centres this year, the answer is yes, and those transmittal letters went out some weeks ago.

Mr Gerretsen: Minister, you have shortchanged the community care access services to date, by way of the

\$551-million commitment you made four years ago, of a total of \$140 million. As Duncan Sinclair, your own hand-picked health care restructuring commissioner stated, "There is no question that those people right now who need home care and aren't getting it—they face individuals crises.... I just hope and pray that it doesn't escalate into a general crisis, as I fear it may." There are only two years left in that commitment of \$551 million. Right now you're \$282 million short on the seven-year commitment you originally made. Why don't you do the right thing and put \$140 million into the system so the people who need the care will get it?

Many people right now go without any kind of home care service at all. There are hundreds of other people who have been cut back from two hours a day to two hours a week for these services. You are denying them the services. Live up to the commitment you made—

The Speaker: The member's time is up. Minister of Health.

Hon Mr Clement: To be fair, the honourable member in the first part of his question indicated there was no increase in home care this year, and that is incorrect. He is misinformed. If the honourable member wants to get on to statistics, his own area has had a 22% increase in home care funding since 1995. That is a fact. That is on the record.

If the honourable member wants to talk about people, I want to talk about people too. In Ottawa, the largest CCAC in the province went from a 500-person waiting list to a zero-person waiting list. All those people are getting services. They're getting services right now because we have made the changes necessary to make sure the funding goes to the front line. We are proud of that on this side of the House. We are going to be there for recipients of home care, just like we are there for the people of Ontario who deserve better health care and less rhetoric from the opposition.

TENANT PROTECTION

Mr Steve Gilchrist (Scarborough East): My question is for the Associate Minister of Municipal Affairs and Housing with responsibility for urban issues. My constituents are a mix of homeowners and renters. In fact, a significant percentage of my riding—

Interjections.

The Speaker (Hon Gary Carr): The member for Ottawa Centre, come to order, please. The member for Scarborough East may continue.

Mr Gilchrist: As I was saying, my constituents are a mix of homeowners and renters. A significant percentage of my riding is rental units, and I believe it's important for those who rent to be aware of the rules regarding their rights as tenants. When we compare the Tenant Protection Act to initiatives by previous governments in this area, among other benefits, I've noticed a staggering increase in the amount of money being spent to improve the quality in existing units as well as the development of new rental units in my riding and all across the province.

Minister, I wonder if you could tell the House specifically how the Tenant Protection Act has changed previous provisions that didn't work well for Ontario's tenants and landlords and resulted in these new investments.

Hon Tina R. Molinari (Associate Minister of Municipal Affairs and Housing): I want to thank the member for his question. This is an important issue, not only in the member's riding but all across Ontario. In my urban tours of the cities, I've heard this is an issue throughout the province. In my responsibility as urban affairs minister, I am happy we are changing the Tenant Protection Act. In fact, the changes and the provisions in the new law make it more accessible and fair for all the tenants and the landlords.

Rent control has been improved so that it encourages landlords to invest in the buildings. As a matter of fact, \$164 million has been invested to improve apartments. It is estimated that the 2000-01 figures will push this investment to over the \$200-million mark. So we are happy to be making changes in this act to improve it for all landlords and tenants in the province of Ontario.

1450

Mr Gilchrist: Thank you, Minister, for that answer. There is no doubt every time an apartment is refurbished, every time a new apartment is built, that improves the quality of life for tenants all across Ontario. It improves their choice. I'm happy to hear those investments are being made and I know you've personally visited many urban municipalities to discuss this and the other issues in your portfolio.

In my supplementary, I'd like to deal with the annual rent increase, which this year, as you know, was set at 2.9% for the year 2003. I think that's good news for tenants, and I wonder if you could contrast this year's increase against increases in past years?

Hon Mrs Molinari: Indeed, this is good news for our constituents as well as renters all across the province of Ontario. In fact, the 2.9% annual guideline for 2003 is the lowest in 17 years. Our government believes that the annual rent guideline recognizes the interests of both tenants and landlords. While the guidelines protect tenants from high rent increases, they also take into account increases in operating costs faced by landlords.

The same formula that we used to calculate the annual guideline was established in 1987 under the Liberal government. The NDP used the same formula as we currently use today. However, you will be interested to know that the annual guidelines have been lower under this government than former NDP and Liberal governments. In fact, the Liberal government issued increases up to 5.2%, and the NDP up to 6%. This government has protected tenants from these rent increases.

VISITORS

Mr Dave Levac (Brant): On a point of order, Mr Speaker: I wish to bring to the attention of the House today a most welcomed visit from very special people in

my life. With me is my forever wife, Rosemarie, my dear mother-in-law, Madge Campbell, and my special and talented children Joe, Rachel and Nicole.

MINISTER'S COMMENTS

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): On a point of order, Mr Speaker: I rise and will be brief on a point of order under standing order 21, which concerns privilege. I have had the benefit of a brief conversation with the Clerk of the House.

I've been here a long time and I understand the pressures of this place and I've certainly evinced bad behaviour on more than the odd occasion, but I want to say that the standing orders of this place, section 21 of our orders, say that "Privileges are the rights enjoyed by the House collectively and by the members of the House individually conferred ..." etc. I was astonished at the exchange about 10 minutes ago between the member from Cochrane, Mr Bisson, and the Minister of Northern Development. I do regret that Mr Wilson's not here.

The exchange I heard that causes me great difficulty is when I heard Mr Bisson say, "You are threatening, Minister, to root out public servants who may have a political affiliation of one kind or another." The minister then—an experienced member of this Legislature, somebody who has been in cabinet for seven years—stood up in his place and clearly said, "It's not a threat; I promise to do so."

I just want to say on my own behalf, and I hope on behalf of everybody here, no matter how upset we get as cabinet ministers and as private members in government or opposition, it has to be a breach of the spirit, if not the reality, of our legislative privilege for any one of us, particularly a cabinet minister, to stand up and say, "You folks out there who are paid to work in the civil service of Ontario, be warned: I'm going to dedicate myself to having you fired." That I just think is a comment that we simply cannot let stand and I would invite my friend Mr Wilson to return here at an early point and clarify what he said, because I think what he said affects us all and should be very troubling to all members of the Legislature.

The Speaker (Hon Gary Carr): I thank the member. As you know, during the exchanges, I was listening to the question. When he said that—I did hear him say something about that—I thought he was talking about giving the cheque; he was going to make sure the cheque got delivered. That's the way I understood it. I guess that was not the case.

Mr Howard Hampton (Kenora-Rainy River): On the same point of order, Mr Speaker: We are elected by members of the public to come and raise issues in the public interest.

This is not an unsubstantial matter. This concerns a community hospital and a \$700,000 deficit. The minister makes an announcement and is asked a question that I think was completely in order in this House. The response, "I promise you that these civil servants will be

fired"—first of all, I think it is intimidation. It is threatening. Second, what does it say not just about the democracy of this place and what we need to do to protect democracy in this place but the wider democracy that all Ontario citizens are supposed to enjoy?

You are entrusted with this—

The Speaker: I thank the member for that. As you know, the minister on occasion does get very vocal in here. What happens, in fact, is that a lot of the members encourage him and it becomes a bit of a joke. Unfortunately, it went over the line today.

I'm sure the honourable minister, if he did say something down there that was inappropriate, will come back to the House, and do so as an honourable member.

As you know, the difficulty is that you're both way down on that side of the House, very close to each other. It's very difficult not only for the Speaker to hear but also for the table, because I've asked the table to listen to what is happening as well. It makes it very difficult when exchanges are going on.

As you know, I had to warn the minister and threaten to throw him out. This is a minister who has, I know, been thrown out of this House on occasion while he's been a minister. There have been two ministers thrown out, and this has been one minister. It makes it very difficult to keep order in the House sometimes when the answers come back like they do today.

Mr Gilles Bisson (Timmins-James Bay): On a point of privilege, Mr Speaker—

The Speaker: The government House leader is first. I think he had a point of order.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On the same point of order, Mr Speaker: I appreciate the opportunity to speak to this point of order.

First and foremost, I don't know what the point of order is. If the point of order is unparliamentary language, then I would suggest at this time that it would be simply inappropriate to pursue that point of order without the member against whom the allegations are being made being here.

Second, on what stance is this point of order? With great respect to my colleagues across the floor, this sounds like a point of political debate.

I appreciate the fact that there may have been certain things said. We will certainly go back to Hansard and check. I'm certain if the member said anything unparliamentary, he would withdraw it. But at this point in time, it appears to me that with the absence of the minister and with political speeches in place of points of order, we're now degenerating to a point of political debate about what somebody said who isn't even here.

The Speaker: The point of order relates to the decorum of the House, as the member for Renfrew-Nipissing-Pembroke talked about. It does make it very difficult to maintain the House when you have an answer that was given this afternoon by the minister. In fairness to the member not being here, hopefully the members will discuss it. And I will say this: I will also speak to the

minister myself personally and see what did arise coming out of it. I would ask all members—we do have a little bit of fun here with the members going back and forth, but we do not need to have something degenerate like it has today.

I'll give the member for Timmins-James Bay a short point of order.

Mr Bisson: On the point of privilege, Mr Speaker: I just want to make this very clear. I'm not going to go through everything he said. My difficulty is that the minister got up on two occasions and threatened to fire bureaucrats on the basis of speaking to a member of the opposition.

My point of privilege is that all members of the assembly have the right to work within the government in order to advocate on behalf of their communities. I'm the one who made the calls to those ministries—

The Speaker: Take your seat. I thank the member.

I will also review Hansard and speak to the minister involved. I thank all members.

ACCESS TO ORDERS IN COUNCIL

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a further point of order, Mr Speaker: I just want to clarify for the House today the protocol in place to collect OICs with due dispatch when they're issued by cabinet office.

It's a common practice that has been held for many years that if you cross the street, go to the Whitney Block and push "4," you'll get to the fourth floor and the previous three months' OICs will be posted on the fourth floor for anyone to see or read.

Second, if you simply make an application previous to those three months, it will take a couple of days to access them, but you will be given that information in two days with respect to OICs passed at cabinet.

I want to be very clear about this. The Liberal caucus employee came down and asked these questions to the staff at cabinet office. These answers were given exactly to the point. They came in here and made allegations that these have changed. They have not changed. Anyone can get them. Cross the street, push the fourth floor, and you can read them just like they do any newspaper in a communist country—

The Speaker (Hon Gary Carr): I thank the government House leader for the clarification.

1500

ADDRESS TO HER MAJESTY THE QUEEN

ALLOCUTION À SA MAJESTÉ LA REINE

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): Mr Speaker, I would like to move a motion to ask for consent for an humble address to be presented to Her Majesty The Queen.

The Speaker (Hon Gary Carr): Is there consent? Agreed.

Hon Mrs Witmer: I would move that an humble Address be presented to Her Majesty The Queen in the following words:

"To the Queen's most Excellent Majesty:

"Most Gracious Sovereign:

"We, Your Majesty's loyal and dutiful subjects, the Legislative Assembly of Ontario, now in session, beg to extend to Your Majesty, on the completion of the 50th year of Your reign, our most sincere congratulations, and reaffirm to Your Majesty the continuing warm respect and affection in which You are held by Your subjects in Ontario.

« À l'occasion des visites de Votre Majesté et des autres membres de la famille royale, nous avons eu l'insigne privilège de Vous souhaiter la bienvenue dans Votre province de l'Ontario et n'avons jamais manqué de bénéficier de Vos gracieux conseils et du charme de Votre présence.

"May Divine Providence sustain Your Majesty in health and happiness during a long and glorious reign to the benefit of Your People," and

That the said address be engrossed and presented by Mr Speaker on behalf of the Assembly to the Honourable the Lieutenant Governor for transmission to Her Majesty.

The Speaker: Mrs Witmer moves that an humble Address be presented to Her Majesty The Queen in the following words:

"We, Your Majesty's loyal and dutiful subjects, the Legislative Assembly of Ontario, now in session"—

Interjection: Dispense.

The Speaker: Dispense.

Is it the pleasure of the House that the motion carry? Carried.

Petitions? The member for Sudbury was up first.

VISITORS

Mr Rick Bartolucci (Sudbury): Before I begin the petition, I want to just address Mrs Carr, your mother, and your mother-in-law: be very proud of your son and your son-in-law for the great patience that he shows in this House. He does an excellent job and is an excellent Speaker, and you should be very, very proud of him.

PETITIONS

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is a petition to the Legislative Assembly of Ontario, and it says:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Whereas 46 people have died on this stretch of highway between Sudbury and Parry Sound in the last three years; and

Whereas 10 people have died on this stretch of highway between Sudbury and Parry Sound so far this year;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I of course affix my signature to this petition.

AMBULANCE SERVICES

Mr James J. Bradley (St Catharines): I only regret, Mr Speaker, that your mother, Mrs Carr, had to depart before I read the petition, but I know she'll read the Hansard or watch the replay tonight.

This is to the Legislative Assembly of Ontario:

"Whereas the Ontario Conservative government hastily amalgamated Niagara's ambulance dispatch services into the Hamilton Central Ambulance Communication Centre;

"Whereas an independent review of Hamilton Central Ambulance Communication Centre found several major shortcomings, including inexperienced dispatchers, high call volume and out-of-date equipment, hindering the dispatch of ambulances in Niagara and in other parts of the province;

"Whereas poor training of central ambulance communication centre dispatchers by the Ministry of Health and Long-Term Care has led to improper emergency coding, resource misallocation and waste and increased wait times for those requiring ambulance services;

"Whereas the Central Ambulance Communication Centre dispatchers are handling 1,300 more calls a year than recommended by the Ministry of Health and Long-Term Care;

"Whereas these shortcomings in ambulance service restructuring are putting lives at risk in Niagara, Hamilton and throughout the province; and

"Whereas the Ministry of Health and Long-Term Care has been in possession of the independent review since October 31, 2001, which provides recommendations to greatly improve ambulance dispatch services in Niagara and Hamilton;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately act upon recommendations presented in the independent review of the Central Ambulance Communication Centre and eliminate the grievous imperfections which are placing our citizens at risk."

I affix my signature; I'm in complete agreement.

EDUCATION FUNDING

Mr Steve Peters (Elgin-Middlesex-London): A petition to the Legislative Assembly of Ontario.

"Whereas the Ontario government led by the Harris-Eves Tories has severely damaged public education and created turmoil in our schools since they took office in 1995; and

"Whereas the current Toronto-based education funding formula is broken when it comes to rural schools; and

"Whereas our community schools in both Springfield and West Lorne are being threatened with closure; and

"Whereas rural schools are the heart and soul of their communities;

"Therefore be it resolved that we, the undersigned, demand that Education Minister Elizabeth Witmer immediately address the funding formula in relation to rural schools and place a moratorium on rural school closures."

I'm in full agreement and have affixed my signature hereto.

LONG-TERM CARE

Mr John Gerretsen (Kingston and the Islands): I have a petition as well. They've been coming in by the thousands from all over the province. It's addressed to the Legislative Assembly of Ontario.

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's

long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I agree with the petition and I've signed it accordingly.

NATURAL GAS RATES

Mr Steve Peters (Elgin-Middlesex-London): A petition to the Legislative Assembly of Ontario signed by over 1,000 of my constituents.

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases."

I'm in full agreement and will affix my signature hereto.

HIGHWAY 69

Mr James J. Bradley (St Catharines): I have a petition to the Legislative Assembly, the names of which were garnered by Alex McCauley of Nickel Belt, and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Eves government has failed to do so;

"Be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I affix my signature. I agree with Alex McCauley of Nickel Belt and the others who have signed this petition.

1510

LONG-TERM CARE

Mr Rick Bartolucci (Sudbury): This petition is to the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas, according to the government's own funded study, Ontario ranks last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

Of course, I affix my signature to this petition.

HYDRO RATES

Mr Steve Peters (Elgin-Middlesex-London): A petition to the Legislative Assembly of Ontario:

"Whereas the Ernie Eves government promised the people of Ontario that the opening of the electricity market would deliver lower hydro rates and improve service; and

"Whereas hydro rates have risen 21% over the past five months since the opening of that market; and

"Whereas consumers have been advised to expect power shortages in spite of higher costs; and

"Whereas consumers have not been adequately informed about the unbundling of charges and therefore do not understand and cannot reconcile the charges shown on their hydro invoices;

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government convene a legislative committee to oversee electricity issues in order to inform and protect the public interest."

I'm in full agreement and have affixed my signature hereto.

LONG-TERM CARE

Mr James J. Bradley (St Catharines): I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services is less than \$2 per resident per day;

"Whereas, according to the government's own funded study, Ontario ranks amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care in the position of last;

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to the same as those in Saskatchewan back in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We the undersigned petition the Legislative Assembly of Ontario as follows:

"We demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I affix my signature as I'm in complete agreement with this petition.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is some more of the 20,000 names on a petition to the Legislative Assembly of Ontario which states:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

Of course, I affix my signature to this petition.

AUDIOLOGY SERVICES

Mr Steve Peters (Elgin-Middlesex-London): I have a petition to the Legislative Assembly of Ontario:

"Listen, Ernie Eves: Our Hearing is Important!

"Whereas services delisted by the Ontario provincial government now exceed \$100 million in total; and

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions; and

"Whereas new provincial government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario; and

"Whereas the new provincial government policy is virtually impossible to implement in underserved areas across Ontario; and

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Ernie Eves government move immediately to permanently fund audiologists directly for the provision of audiology services."

I'm in full agreement and have affixed my signature hereto.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): I have some more names from the 20,000-name petition regarding Highway 69, which we refer to as Death Road North:

"To the Legislative Assembly of Ontario:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

The Speaker (Hon Gary Carr): Pursuant to the order of the House dated Monday, September 30, 2002, this House is adjourned until 10 of the clock tomorrow morning.

The House adjourned at 1517.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Flamborough-Aldershot			
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)		
Beaches-East York	Prue, Michael (ND)	Halton	Chudleigh, Ted (PC)
Bramalea-Gore-Malton-	Gill, Raminder (PC)	Hamilton East / -Est	Agostino, Dominic (L)
Springdale		Hamilton Mountain	Bountrogianni, Marie (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
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		Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Brant	Levac, Dave (L)		
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Cambridge	Martiniuk, Gerry (PC)	Kingston and the Islands /	
Chatham-Kent Essex	Hoy, Pat (L)	Kingston et les îles	
Davenport	Ruprecht, Tony (L)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
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		Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
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		Markham	
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Etobicoke-Lakeshore	Kells, Morley (PC)	Mississauga Centre / -Centre	Sampson, Rob (PC)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	Elliott, Hon / L'hon Brenda (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	Galt, Hon / L'hon Doug (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
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Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Wednesday 9 October 2002

MEMBERS' STATEMENTS

Hydro rates	
Mr Lalonde.....	1973
Mr Crozier.....	1973
Lakeridge Health hospital auxiliary	
Mr O'Toole.....	1973
International plowing match	
Mr Beaubien.....	1974
Government's record	
Ms Di Cocco.....	1974
Mr Smitherman.....	1975
Education funding	
Ms Churley.....	1974
Renee Filion	
Mr McDonald.....	1974
Lacrosse	
Mr Barrett.....	1975

REPORTS BY COMMITTEES

Standing committee on government agencies	
The Speaker.....	1975
Report deemed reported.....	1976
Standing committee on justice and social policy	
Mr Barrett.....	1976
Report adopted.....	1976

ORAL QUESTIONS

Employer health tax	
Mr Conway.....	1976
Mrs Ecker.....	1976
Mr Phillips.....	1976, 1978
Mrs Witmer.....	1976, 1978
Hydro rates	
Mr Hampton.....	1977
Mr Baird.....	1977, 1981
Mr Bryant.....	1981
Tax exemption	
Mr Hampton.....	1978
Mrs Ecker.....	1978
Nutrient management	
Mr Johnson.....	1979
Mrs Johns.....	1979

Access to orders in council

Mr Duncan.....	1980
Mrs Witmer.....	1980

Hike Ontario

Mr McDonald.....	1980
Mr Ouellette.....	1980

Ontario disability support program

Mr Martin.....	1981
Mrs Elliott.....	1981

Dairy farmers

Mr Johnson.....	1982
Mrs Elliott.....	1982

Diagnostic services

Mrs Pupatello.....	1982
Mr Clement.....	1982

Native people

Mr Dunlop.....	1983
Mr Young.....	1983

Hospital funding

Ms Martel.....	1983
Mr Wilson.....	1984

Home care

Mr Gerretsen.....	1984
Mr Clement.....	1984

Tenant protection

Mr Gilchrist.....	1985
Mrs Molinari.....	1985

PETITIONS

Highway 69

Mr Bartolucci.....	1988, 1990, 1991
Mr Bradley.....	1989

Ambulance services

Mr Bradley.....	1988
-----------------	------

Education funding

Mr Peters.....	1988
----------------	------

Long-term care

Mr Gerretsen.....	1988
Mr Bartolucci.....	1989
Mr Bradley.....	1990

Natural gas rates

Mr Peters.....	1989
----------------	------

Hydro rates

Mr Peters.....	1989
----------------	------

Audiology services

Mr Peters.....	1990
----------------	------

OTHER BUSINESS

Legislative pages

The Speaker.....	1973
------------------	------

Visitors

Mr Barrett.....	1975
Mr Wood.....	1975
The Speaker.....	1975
Mr Duncan.....	1975
Mrs Witmer.....	1975
Mr Levac.....	1985
Mr Bartolucci.....	1987

Minister's comments

Mr Conway.....	1986
The Speaker.....	1986
Mr Hampton.....	1986
Mr Stockwell.....	1986
Mr Bisson.....	1987

Access to orders in council

Mr Stockwell.....	1987
-------------------	------

Address to Her Majesty the Queen

Mrs Witmer.....	1987
Agreed to.....	1987

TABLE DES MATIÈRES

Mercredi 9 octobre 2002

AUTRES TRAVAUX

Allocution à Sa Majesté la Reine

M ^{me} Witmer.....	1987
Adoptée.....	1987



No. 41A

N° 41A

ISSN 1180-2987

Legislative Assembly
of Ontario

Third Session, 37th Parliament

Assemblée législative
de l'Ontario

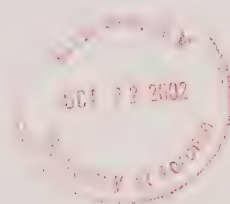
Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 10 October 2002

Jeudi 10 octobre 2002



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 10 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 10 octobre 2002

The House met at 1000.

Prayers.

PRIVATE MEMBERS' PUBLIC BUSINESS

SOLICITORS AMENDMENT ACT (CONTINGENCY FEE AGREEMENTS), 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES PROCUREURS (ENTENTES SUR DES HONORAIRES CONDITIONNELS)

Mr Bryant moved second reading of the following bill:

Bill 178, An Act to amend the Solicitors Act to permit and to regulate contingency fee agreements / *Projet de loi 178, Loi modifiant la Loi sur les procureurs pour permettre et réglementer les ententes sur des honoraires conditionnels.*

The Acting Speaker (Mr Michael A. Brown): The member for St Paul's has up to 10 minutes for his presentation.

Mr Michael Bryant (St Paul's): This bill seeks to improve access to justice in the province of Ontario. It is not a panacea; however, it is time for Ontario to join every other province in this country in regulating and providing legislation that addresses the subject of contingency fees.

This bill seeks to break down the major barrier to Ontarians accessing our courts, and the major barrier is cost. The vast majority of Ontarians do not meet the legal aid requirements and would not get legal aid. The vast majority of Ontarians, in turn, cannot afford in most cases the cost of counsel in this day and age to bring a matter to our courts. And that means that the courts in many cases, in many ways, in every part of Ontario have become the exclusive preserve of the very wealthy. This bill seeks to give everybody in Ontario, all Ontarians, the opportunity to have a matter heard in a forum where economics and politics do not rule the day, where, rather, justice rules the day. That's in our courts.

When I first introduced a bill on contingency fees in the spring, the law of Ontario was that contingency fees were forbidden. That was the position that the Attorney General took before the Ontario Court of Appeal in hearings last spring in the McIntyre case. The Attorney General of Ontario was articulating the law as everybody

assumed it to be; the statute said, in essence, that if contingency fees were forbidden by the common law, then they were forbidden in Ontario. It turns out, in a decision by Mr Justice Dennis O'Connor, the same Justice Dennis O'Connor who headed up the Walkerton inquiry, and a panel of very esteemed jurists, Justices MacPherson and Abella, that the common law of Ontario is that contingency fees are not forbidden.

Therefore, what we have in the province of Ontario quite simply is a situation where contingency fees are legal but totally unregulated—totally unregulated. We need to join every other province in the country in providing protection for consumers, to ensure that this currently totally unregulated market protects them from the various abuses that always may exist.

Every province in the country has had contingency fee legislation in place. Manitoba has had it in place since 1890. Every other province has had it in place for at least 25 years. The experience of those provinces has been that the legalization of contingency fees has not led to the abuses that I know are a concern—and I want to address them in my remaining time—as long as there's regulation. The concerns are about excessive fees. You address that by providing caps on fees. You address that by ensuring that high fees are regulated by the courts. You address that by permitting consumers to appeal a fee to the courts through a taxation assessment procedure. You permit it by setting out the circumstances in which a contingency fee arrangement would take place. For example, under no circumstances should a contingency fee arrangement take place for criminal matters or family law matters. That is set forth in this bill, as is the regulatory scheme that is needed to deal with this totally unregulated market.

As I said, the main purpose of the bill is to ensure that we get access to justice. The Supreme Court of Canada said in a decision in 1994—Mr Justice Cory said this: "Truly, litigation can only be undertaken by the very rich or the legally aided. Legal rights are illusory and no more than a source of frustration if they cannot be recognized and enforced." It's common ground that our justice system is inaccessible to the vast majority of people because of cost, at least on civil matters. That's why we need to give people the opportunity to pay for the fees after they may achieve the damage awards and create circumstances where the risk is borne not by the consumer but instead by the lawyer.

The advisory committee to the Attorney General in September 2000 recommended contingency fee regulation through legislation. That was an effort by the Advo-

cates' Society, the Law Society of Upper Canada, the Ontario Bar Association, the Ontario Trial Lawyers Association and a representative from the academic community, Professor Michael Trebilcock, to come together and make recommendations on what a contingency fee bill would look like.

I am attempting as best I can in a private member's bill to fulfill that mandate given to the Attorney General through the advisory committee's recommendations, but I would be remiss if I didn't quickly address the concerns that I know are out there on the subject of contingency fees. The first one, the obvious one is with respect to the Americanization of our litigation system, that somehow people will be heading off to the courts in droves, clogging up the dockets and achieving multi-million dollar settlements. In Canada, it is just impossible to do so, as a result of the caps put on damage awards by the Supreme Court of Canada. In particular, the Supreme Court of Canada has said that unlike the United States, we do have a cap on what are called non-economic losses. "Canada has limited the amount of court awards for non-economic losses (pain and suffering, loss of amenities, reduced life expectancy) to \$269,000 in 1999 dollars." That's the limit in Canada for non-economic losses. In the United States there are no such limits and there have been damages in the millions as a result.

Another concern with contingency fees was, as I referred to before, excessive fees being absorbed by the lawyers. How do you address that? You address it by regulating it, by putting forth caps, by having judges supervise the orders.

1010

I also say, and I'm quoting from Mr Justice Dennis O'Connor, who was appointed by the Attorney General, the Honourable Mr Flaherty, who's here today listening to this—and I think every member of the House has nothing but admiration for Justice O'Connor. He said this of the concerns regarding contingency fees: "While historically these concerns about the potential for abuse by lawyers or damage to the lawyer-client relationship were frequently expressed, there is little, if any, evidence to show that the fears were well-founded." He went on to say, "In addition, we have the benefit of the experiences of the many jurisdictions that have enacted legislation permitting regulated contingency fee agreements. This court was not shown any evidence to show that lawyers in these jurisdictions, properly regulated, are more likely to engage in the types of abuse to the administration of justice that were once feared to be the result of" these agreements.

So, yes, there are concerns and, yes, they have been fulfilled to some degree in the United States. But in Canada we've addressed them by putting forth laws and by putting forth regulations to curb abuse; not only to right wrongs but also to ensure that everybody who's involved in contingency fees knows the way the rules work.

Time is not going to permit me to read the letters I'm very grateful to have received from the Advocates'

Society and from the Law Society of Upper Canada in support of the regulation of contingency fees, nor from the comments of Professor Michael Trebilcock, who has endorsed this private member's bill on contingency fee arrangements.

Rather, I only have time to say this: we have a justice system that is paid for by the taxpayers. We fund the administration of justice in Ontario; it's the province's responsibility. It is a justice system, on the civil side, that is not accessible to our constituents. And so I say to you that while this is no panacea, this is an opportunity for us to permit the people of Ontario to redress grievances and injustices in the court where they might not otherwise be able to do so, and I ask for your support.

The Acting Speaker: Further debate?

Mr Gerry Martiniuk (Cambridge): It is a pleasure to be here today to speak to Bill 178, An Act to amend the Solicitors Act, which has been introduced by my good friend from St Paul's. This is an interesting piece of legislation, which certainly provides for excellent discussion.

As the government and the minister have stated, we are not in any way philosophically opposed to the idea of contingency fees. However, there are some concerns with this particular legislation as presently framed.

In regulating a contingency fee system, the rights of both the public and the legal community must be balanced. According to the proposed legislation, applications can be made behind closed doors to award a lawyer an amount exceeding the prescribed maximum. I ask, where is the accountability when proceedings like these occur away from public scrutiny?

Our government is committed to ensuring that all Ontarians have access to our justice system. While we are open to the idea of contingency fees, the reality is that this legislation raises some significant issues. We must strike a balance. That balance may not exist with the legislation reading as it presently does.

Just as lawyers have a right to be adequately compensated for their services, the public has a right to be able to access the legal system and not face exorbitant fees. We recognize that contingency fees open the justice system to vulnerable people who might not qualify for legal aid yet cannot retain the services of a lawyer.

These are all important issues, and I look forward to debating them in committee.

A strong, accessible justice system is integral to the functioning of any society. Our government has continued to take great strides in improving access to justice. It is an issue that is of paramount importance.

We have also taken steps to improve access to justice through reforms of the civil justice system. The Ministry of the Attorney General has worked closely with the judiciary and the bar to make the civil justice system more streamlined and efficient.

For example, case management, rule 77, and mandatory mediation, rule 24.1, have been successfully implemented in both Toronto and Ottawa and will be expanding to Windsor effective December 31, 2002.

Both these initiatives have helped improve access to justice. A two-year independent evaluation of the mandatory mediation program concluded that mediation has had a positive impact on the speed, cost and outcomes of litigation.

Another recommendation of the civil justice review, simplified procedure, under rule 76, improves access to justice by reducing the number of pre-trial procedures in cases involving smaller amounts. This reduces the cost to litigants and the time required to get the matter to trial. The simplified procedure rule first came into effect in 1996 as a pilot project for cases up to \$25,000. Following a positive evaluation, rule 76 became permanent across Ontario in 2001, and the monetary limit was increased to \$50,000 as of January 2002.

A discovery review task force, which was appointed by the Attorney General and the Chief Justice of the Superior Court of Justice, is reviewing the discovery process to identify problems with the current procedure and possible reforms.

This government has continued to demonstrate its commitment to ensuring access to justice. A balanced contingency fee system would be welcomed as part of this commitment. The key is balance. The system must safeguard the public while ensuring that lawyers are adequately compensated for their services.

The member's legislation is an important bill, and I look forward to the debate in committee.

Mr John Gerretsen (Kingston and the Islands): From his last comment I'm not sure whether the member is in favour or not, but from his earlier comments I assume that he is not.

This is an issue that has been talked about within the law society of Ontario, and I would dare say within the general public, for at least the last 30 or 40 years. We are the only province in Canada that doesn't allow contingency fees.

Is the bill perfect? Probably not, and that's why it should go to committee after it receives second reading here. But to suggest that this government has done things that make it easier for people to have access to justice simply isn't the truth.

The truth of the matter is that anybody who wants to initiate or proceed with a civil action is paying fees much greater than they used to before 1995. To start a Small Claims Court action is more than a hundred bucks; to file a defence is more than \$100; to have any of the intermediate steps costs a lot more money than it ever used to. To suggest this government has taken actions that have improved people's access to justice just isn't the truth.

Look at what's happened with legal aid. In 1994-95, 20,000 certificates were issued under the Ontario legal aid plan for civil actions, either on the plaintiff or the defence side. Do you know what happened in 1997, just three years later? That had been reduced to 3,700. In other words, what happened within the legal aid plan is that civil actions have pretty well dropped off the radar screen. If you want to initiate a civil action, you're on

your own. If you haven't got the money, the legal aid plan isn't going to help you.

1020

Let's deal with the reality of the situation. Contingency fees have been in effect in most civil situations in the province for the last 30 or 40 years. I've practised law for 30 years and have contact with many colleagues, and I darned well know that the fees they charge to somebody involved in a civil action will greatly depend on their success. Whether we want to somehow not acknowledge that fact here is one thing, but the reality of the situation is that if you get more money, the lawyer charges more. So let's deal with the reality of that situation, like nine other provinces in this country have.

If there are some aspects of the bill that the member doesn't like, let him bring those aspects to the committee, let him bring in amendments. But the basic concept promoted in this bill is correct. The law society has been unwilling to deal with this. They've done report after report after report and the bottom line is that they're still not recommending it. Yes, there are various committees that have recommended it and various reports that are recommending it now, but the bottom line is that the government is not prepared to act on the request.

In other civil actions, the number of certificates has dropped by something like 80% from 1994 to 1998. One of the problems is that the legal aid system is simply not accessible to the same extent it was seven or eight years ago, so many people who have legitimate causes are prevented from taking action because they quite simply don't have the financial resources to promote their particular position.

So I beg this House: since this is a private member's bill, let's have a look at it within the legislative system; let's have a committee look at it. If there are problems with respect to certain aspects of it, yes, we can deal with them at that point in time by way of amendments. But to simply put your head in the sand and take the position that this is not an issue out there as far as access to justice is concerned and that this is not an issue for the general public out there that wants to promote its claims, that wants to advance its claims and simply isn't able to do so because of the financial constraints that are involved, isn't realistic.

Most of the other jurisdictions in Canada have a clause in their legislation that the contingency fees have to be reasonable. If, at the end of the day, someone doesn't find that they are reasonable—and remember, they're only charged in situations where the person is successful in their particular claim; in other words, funds are coming to them, rights are coming to them. If that person feels they're being overcharged, that the contingency aspect of it is too large, that person has a right to go to court under their legislation because of the reasonable provision aspect in the legislation.

So I say to the members opposite, this is one step to finally deal with an issue that's been around in this province for at least 30 or 40 years that I'm aware of. Let's move it along. Let's get resolution to it. Let's not

once again refer it to the law society. They have done numerous studies on it. Various committees have approved it and then, for whatever reason, the government didn't want to act on it or the law society as a whole didn't want to act on it. It is time to take action. Let's have some hearings on it after second reading of the bill. Let's send it to a committee and have some hearings on it, because it all deals with one issue and one issue only: access to justice, which by and large has been denied to those people who somehow are not able to fund their court actions currently.

I think the legal aid statistics speak for themselves. When you have a 70% or 80% drop in the number of certificates that are being issued in civil actions, it tells me only one thing, that there are a great number of legitimate claims out there that aren't being prosecuted because of the excessive amount it costs a person to do that.

So I urge all members on this side: let's give this bill second reading and let's send it to committee.

Mr Rosario Marchese (Trinity-Spadina): Right off the bat, I support this bill put forth by my friend from St Paul's, and I say "my friend" quite sincerely. Secondly, I'm not a lawyer. So for those who might be watching these proceedings, if I say anything untoward, not legalistic enough, please forgive me. I'm just a humble teacher, or used to be.

We've got the former Attorney General here, Mr Flaherty, and I was hoping—I allowed us to skip a turn just to see whether he would be speaking today. I'm not quite sure whether he is or he isn't. But I wanted to say to Jim that it was he who requested that an ad hoc committee be struck to study the issue of contingency fees, chaired by OBA member Donald Kidd, with representatives of the law society and the Advocates' Society. And the committee concluded in September 2000 and said that contingency fees would provide access to justice for individuals with valid claims.

My concern is, when a minister strikes such a committee—ad hoc, advisory, what have you—we do that with an understanding that once they conclude, we're likely to take the recommendation and do something with it. Well, in this particular instance, this ad hoc group agreed that we should move forward with contingency fees because they would provide more justice to many, and he refused to accept their recommendation.

I'm not quite sure whether it was he who refused to move on it, whether cabinet discussed this issue or not, whether it simply died when the former Attorney General didn't act on that recommendation; I'm not quite sure. But why in heaven's name do you strike some ad hoc committees to give you advice that you then refuse to take? This I do not understand. And that's why I was looking forward to Jim Flaherty, the former Attorney General, to comment on this, because it would shed some light on why the government is resisting this bill that is in place in all the other provinces, as has been mentioned by all the previous speakers.

We know that it works in practice, that there are no problems we are aware of, those who are advocating for

this; in fact, the Insurance Corp of British Columbia, a public auto insurer, I would add, revealed that in British Columbia, in 86% of the cases, lawyers earn less, the same or slightly more in contingency arrangements than they would on an hourly fee basis. So that issue ought not to be of concern to the government, based on that particular experience. We assume that's the case in many other parts of Canada.

I'm desperately trying to understand what the objections of this government are to this bill. You understand that this practice was going on illegally here in the province until Judge O'Connor ruled on this matter. So, yes, it is true that lawyers were making secret arrangements with their clients on a regular basis before Justice O'Connor ruled on this. And so it would seem to me that the member from Cambridge would want to get this into the open and regulate it so as to avoid the very things that I think he was speaking to earlier on; I'm not quite sure. But if it is happening illegally, in secret, shadily perhaps, I don't know, wouldn't the member from Cambridge want to take that out of the backrooms and put it out in the open and regulate it? I would think the member from Cambridge, who is a lawyer, I believe, or was, would understand this a little more than I and say, "Yes, we need transparency. We need regulation in this field. And, yes, it gives access to so many people who otherwise might not get the justice they deserve."

Vern Krishna, the treasurer of the Law Society of Upper Canada, commented that this bill could be of significant benefit to individuals making between \$30,000 and \$80,000 per year, since those earning more than \$30,000 cannot qualify for legal aid.

I say to the member from Cambridge and others who are lawyers in his caucus and those who are interested in this issue: the majority of people are in that category, making anywhere from \$30,000 to \$80,000. Those who make more are a small percentage of people, 1% to 10%. The rest of society is anywhere from \$30,000 to \$80,000 a year. That means we want to help and protect in some way the majority of Ontarians and give them access to the justice they deserve.

So I don't know what the member from Cambridge was saying. I don't know what this government is saying. I don't know what Jim Flaherty, the former Attorney General, is saying or has said, whether he's going or whether he'll speak or not, or whether other lawyers will speak to this. I'm not sure. But it is interesting to review aspects of the hypocrisy of this government where—you think that's too strong, Speaker?

1030

The Acting Speaker: While I'm up, I might remind you that you are not to use members' names. You may refer to their constituency or their ministerial position but not their name. Thank you. Would you withdraw?

Mr Marchese: I will withdraw that because the word might be a little bit too strong for the Tories. Speaker, just to remind you, I constantly refer to "Jim Flaherty, the former Attorney General." I constantly make reference to his title.

The Acting Speaker: We're not going to do this. Withdraw that too and refer only to people's positions. Withdraw?

Mr Marchese: I already did.

The Acting Speaker: The name.

Mr Marchese: Withdraw the name? I withdraw the fact—the former Attorney General doesn't have a name, therefore he doesn't exist, and I should never have made reference to him because he only has a title; he doesn't exist in person. That's bad. I've got to tell you, people exist not only in title but in person. Otherwise, they wouldn't be alive; they wouldn't be here in this place. It's an odd ruling to be making. That's why I usually combine the name and the title, so people know that behind the title there's a name. Yes or no, legally?

Interjection.

Mr Marchese: Yes, of course.

The word I was asked to withdraw which I will not repeat—but here's the contradiction in terms of the position this government is taking. The Ontario government is pursuing tobacco litigation on a contingency fee basis with its US legal counsel, but won't back such an agreement here in Ontario. You've got to help me, Speaker. To the person who doesn't exist, what does this mean? We want to pursue tobacco litigation on a contingency fee basis. That's the government suggesting that, but contingency fees, they say, are wrong in other cases. You follow? It's a problem.

It isn't just legally difficult to understand. As a matter of common sense—because even people with common sense can understand this, particularly Tories, who advance a common sense concept of behaviour. I am waiting for two of the members I mentioned earlier, who do not exist in name but exist in title, to respond to what I'm saying on this contradiction in particular and why it is that the ad hoc committee that was established by the former Attorney General, who exists, because he's here—why he didn't listen to their advice. I need to know from the former Attorney General why he didn't listen to that advice. If he can't do this, then I need some other lawyer in this caucus—because there are a couple of them here today, at least two—to stand up and say, “We couldn't do it for the following reasons. Yes, good advice, but we didn't listen to them for the following reasons.” Help me and indirectly help those who are watching this program understand.

“In the decision in McIntyre, Justice O'Connor of the Ontario Court of Appeal encouraged the Ontario Legislature to regulate contingency fees:

“... I urge the government of Ontario to accept the advise (sic) that it has been given for many years to enact legislation permitting and regulating contingency fee arrangements in a comprehensive and coordinated manner.”

It seems to make sense, like common sense.

“There are obvious advantages to having a regulatory scheme”—he says, and I agree.

Mr Rob Sampson (Mississauga Centre): A regular Tory scheme?

Mr Marchese: Sorry, former banker? “A regulatory scheme.” Yes, thanks for helping out.

Mr Sampson: I didn't hear what you said.

Mr Marchese: We need bankers in this place. I've got to tell you, we need them. You need them especially.

Interjection.

Mr Marchese: Yes, your government needs your advice all the time.

“There are obvious advantages to having a regulatory scheme that is clearly and specifically addressed in a single legislative enactment. There is no reason why Ontario, like all the other jurisdictions in Canada, should not enact such a scheme.” I would not have used the word “scheme” because “scheme” sometimes can be derogatory in its connotation, but he says “scheme” and it doesn't matter. What he means is an arrangement, a plan, etc. That's good advice from a judge.

Why is it that the former Attorney General isn't advocating for such a scheme? It is now, in his view, legal. It used to be, in the past, illegal. We want to put it out in the open, give greater transparency to the folks, and regulate. That is a good thing, but not, it seems, for the common-sense-revolutionary types. This is where the contradictions come together from time to time. They argue on the one hand in one way and argue differently on the other. That to me is incomprehensible.

I've got to say that there are things that we would suggest. We may want to consider demanding that the government provide public education and perhaps even a helpline whose number wouldn't always be busy—it would help if the line could be a little more open from time to time; a service to ensure that individuals entering into such arrangements with their lawyer have access to independent advice about the fairness and reasonableness of such an agreement before entering into it, and information about the regulations governing such agreements.

I think this is very useful stuff. Often we pass bills and we do not accompany those bills, which may be reasonable, with public education that helps those who otherwise wouldn't get the help to understand what they're getting into. A whole lot of people never quite know what they're getting into, so even though we would be regulating this practice, we still argue and feel that those entering into those arrangements ought to be given the information they need to be able to make good judgments as they enter into such contingency fee arrangements. We think it's good.

I've got to tell you, we never do public education. This is not limited to this government. It happens in all governments where we do not follow through well enough with public education to help the public understand what we do in this place and what we pass in this place.

I am hoping and assuming that the majority of Tories here present are going to support this bill today. I'm assuming they will and that they will send it to the committee of justice, in particular, to have this reviewed. We believe there should be full, open, public hearings so that we can ensure that the most vulnerable people are

protected, that the majority of people who would be helped by this bill would have an opportunity to come and speak to this issue and, through their examples and histories, we can get a better sense of what else we might do to improve on the bill, if necessary. It would give the opportunity to the Tories, New Democrats, Liberals and others, and the majority of people who are interested in this, to come, debate, discuss, give advice and be critical of the bill if they need to be. That's what we expect.

That's why we support this bill. We think it's a good bill. We want it to go to committee. We hope all the members of this Assembly will support it. I think that I've had my say on this bill.

1040

Hon Doug Galt (Minister without Portfolio): I appreciate the opportunity to be able to join in the debate on Bill 178. Certainly, our government is not philosophically opposed to contingency fee agreements. In fact, we feel that this debate is indeed a very positive step forward in improving access to justice here in the province of Ontario.

At the same time, we also think it is essential that the proper safeguards be in place to ensure that vulnerable members of the public are protected. We must also ensure that lawyers are adequately and fairly compensated for their work. This is an important balance that must be achieved through any legislation that regulates the use of contingency fees. It must be both fair to the public and fair to the lawyers.

As I mentioned, it is our view that access to contingency fees can improve access to justice. Contingency fee agreements could help ensure that no one is left out of the legal process. They help that segment of society, usually the middle class, that doesn't qualify for legal aid but doesn't have the resources to pay for an expensive legal battle. You have probably heard of people with strong cases but who could not afford legal services. For these individuals, access to justice is a real problem, not just an abstract issue.

Improving access to justice is a priority of our government. That is why we recently introduced legislation to increase the flexibility that Legal Aid Ontario has to provide the people of Ontario with modern, accessible legal services.

Improving access to justice also means making sure we have modern court facilities. That is why since 1996 we have committed more than \$269 million to build and renovate court facilities throughout Ontario.

Courthouses are strong symbols of justice. They remind us that the justice system is an essential part of community life. They must also be practical facilities that ensure the efficient and effective administration of justice. The Ministry of the Attorney General's court operations are located in over 200 facilities across the province. Many of these facilities require ongoing investment to ensure the public receives the best service possible.

There are courthouses in Ontario that need to be renovated, modernized or even replaced. Over the last six

years, new, consolidated courthouses have opened in Brampton, Cornwall, Hamilton, Welland and Windsor. These consolidated courthouses make justice services convenient and accessible, and utilize courtroom resources efficiently. As a result, the justice system operates more smoothly, cases are dealt with more quickly and public safety is enhanced.

Other major capital projects are currently under development or underway in the municipalities of Brockville, Chatham, Owen Sound, Pembroke and Toronto. A Toronto landmark, Osgoode Hall, is in the later stages of a 10-year, multi-million dollar renovation to ensure that it continues to meet user needs well into the future.

Clearly the time has come to consider the use of contingency fees in Ontario. I'm sure all of you are aware of the recent court ruling on this matter. As a matter of fact, last month the Court of Appeal held that contingency fee agreements are indeed permissible.

Our province is the only jurisdiction in North America that does not currently allow contingency fees for individual claimants; in fact, the province of Manitoba has permitted them for more than 100 years.

While contingency fees have been linked to increased litigation and higher damage awards in the United States, Canadian jurisdictions have reported few difficulties. So again I would like to state that as a whole we think contingency fee agreements are a good idea. We just have to ensure that we have regulations in place that protect the public and allow for fair and adequate compensation of lawyers.

We feel that this is indeed an important issue to debate in committee. I'll certainly be supporting the bill at second reading, and look forward to discussing some of the issues we have raised when the bill is considered at committee.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I'm pleased to rise in support of Bill 178, which has been introduced by my colleague and friend Mr Bryant from St Paul's. I've enjoyed the debate. My sense of the House this morning is that there is a wide range of support for the principle of at least taking a good look at Bill 178, and certainly I appreciate that.

I want to say a couple of things generally about the legal system. I think Mr Bryant is very, very right to point out, as a number of other members in the debate this morning have observed, that there is a growing problem with the broad base of the middle class not being able to or not feeling able to access the justice system. I know myself, when I was involved in a libel action a few years ago, that I got a bit of a wake-up call as to what some of the costs were going to be.

As Mr Bryant has indicated, if you've got a lot of money, no problem; if you qualify for legal aid—the qualification criteria there have been tightened, as we all know—at least there's some relief; but if you are the majority of Ontarians and you have some occasion to need the justice system, particularly on a civil matter, you quickly find out that it's going to be very expensive, and,

as the 1995 report prepared by the civil justice review made plain, the cost of engaging legal services for a lot of middle-class folks is sufficiently prohibitive that in many cases they don't proceed. So I do think there is a case to look at a creative and acceptable alternative, and certainly contingency fees seem to be one possibility there.

I think, as Mr Bryant has pointed out, the fact that it's already occurring in this province on an informal, unregulated basis ought to give us some real pause.

Interruption.

The Acting Speaker: Order. Stop the clock, please.

While I'm up, it's just getting way too noisy in here. Private conversations should be taken outside.

Interjection.

The Acting Speaker: The member for Niagara Centre may want to take his conversations outside.

Mr Conway: I'm particularly pleased that Mr Flaherty and Mr Sampson are here and I really do want their attention just briefly. I want to say something about an issue in my part of southeastern Ontario, where Mr Sampson's father was a distinguished crown—

The Acting Speaker: I reminded members earlier that using names is not permitted in this place.

Mr Conway: I happen to think this is a good debate and I'd like to participate in some sensible way. I want to make some comments about Brockville. The legal system in Brockville, in Leeds-Grenville, if anybody has been paying attention—I know the member from Durham, the former Attorney General, will know some of this.

I went up to the library a few minutes ago and picked up the most recent half dozen issues of the Brockville Recorder and Times, and I'll say to all members of the Legislature, but particularly anybody with involvement in, experience with and responsibility for the legal or justice system, what's going on in Leeds-Grenville and around the system in Brockville is absolutely outrageous. The legal aid system has been held up to complete ridicule.

Interjection.

Mr Conway: That's a fair point. I accept that. I know more, perhaps, than most people in here.

But I'm going to tell you, the agents of the Attorney General on this legal aid matter there—

Interjection.

Mr Conway: Well, I say to the former Attorney General that the issue at hand is what has been going on with the legal aid system. We've got the Attorney General in the Legislature announcing one policy, his agents in the courts in Brockville saying and doing something quite to the contrary and a whole bunch of collateral issues to which he has made some parenthetical reference that are not helping.

The Brockville Recorder and Times—the editor, Barry Raison, and the reporter, Jack Walker—has done an excellent job of highlighting some of the problem and some of the challenge. We as a provincial government and Legislature don't look very good in the exercise. So if I look at the legal aid system in a place like Brockville—and it's probably worse there than in much of the

rest of province. I don't know, but it would not give me a lot of confidence. I want to have some confidence, I want the public to be able to look at this justice system and the legal system that's so important a part of it, and to say, first of all, it's accessible and affordable to all of us on a reasonable basis. And I want to know that some of the other entitlement programs around it, whether it's the correctional system or the legal aid system or the panoply that my friend from St Paul's and the Minister of Economic Development and Trade would know better than I, are also to a reasonable extent working with some effect and credibility.

1050

You cannot read the last six weeks of the Brockville Recorder and Times and honestly conclude that it's a system of very much credibility or legitimacy. The Ontario government is not entirely responsible, let me make it clear, for some of the problems, but we have a considerable measure of responsibility for them. Just like the previous speaker talking about all the good work that's going on with courthouse renewal—and it's true there is a lot of good work that is going on with courthouse renewal. We are trying to build a new provincial courthouse in Pembroke, and it appears to be an Olympian task.

Not all of the problems reside with the provincial government, and I accept that. But if I'm a taxpayer in Renfrew county watching Her Majesty's provincial government trying to build a courthouse in the city of Pembroke, I would think it must be beyond human possibility: seven years and I don't know how many person-hours. Good work being done by the current Attorney General, the former Minister of Corrections and people locally. All I know, however, as a local citizen, and I won't tell you chapter and verse of the local bar; the Renfrew county bar really does think we are incapable of building a courthouse. It doesn't matter whether they're Liberal, Tory or independent lawyers; they've pretty well all come to that conclusion.

I hope in the remaining months of my tenure I'm going to be able to say it is not beyond the possibility of a provincial government in the early days of the 21st century to do what we seem to have been able to do with some alacrity in the middle of the 19th century in county towns like Pembroke: namely, build a rather elegant and stylish courthouse, one that is functional and meets the needs of 2002, as opposed to 1867.

I say in conclusion, there is a need to look at the issues raised by my friend's Bill 178. Are contingency fees the only answer? I suspect not. But as a citizen with very limited experience here, I would say this: if these contingency fees now are the order of the day in all the other Canadian provinces, if they are the order of the day in most other jurisdictions in the developed world and certainly in North America, at least, and if in fact it's being done here on an informal, unregulated basis in Ontario, we'd better move on to recognizing that reality and at least regulating it in some sensible way. I would hope there would be a good committee hearing of people who know this issue much better than I in this Legis-

lature to see how we can move this forward. And I'll say again to my friends, the members from Mississauga and Durham, that situation around legal aid and other justice issues in Brockville, Leeds-Grenville, bears some very serious scrutiny, because regular people must be looking at that and saying, "My goodness, what on earth is going on?"

The Acting Speaker: Further debate? The member for St Paul's has up to two minutes to reply.

Mr Bryant: I'd like to thank the members for Kingston and the Islands, Renfrew-Nipissing-Pembroke, Trinity-Spadina, Cambridge, and Northumberland for their comments.

It seems clear that there is a great desire for this bill to be scrutinized at the committee stage, and I could not agree more. In the event that the bill does get the support of the House, I'll be seeking that the bill go off to the justice and social policy committee.

I've heard the concerns with respect to setting caps and legal fees by regulation versus by statute. I think that those concerns, obviously, can be addressed at the committee stage and by amendments before the bill reaches third reading. We are here debating the bill at second reading, which means we are debating the principle of the bill.

I appreciate the support that I have heard in this House. I've listened to the questions that have been raised and I want to say this: we have right now in the province of Ontario lawyers entering into informal contingency fee agreements with clients. Up until recently they were perceived to be contrary to the common law. Now we know, according to Mr Justice Dennis O'Connor, that they are legal. So we have it happening. We have these agreements taking place. We know that it is legal.

The Attorney General took the position before the Court of Appeal that contingency fee agreements ought not to be regulated ultimately by the courts but ought to be regulated ultimately by the Legislature. And here we are in the Legislature. I know that none of us wants to read in the newspaper one day a sad story of somebody who had been abused by an unregulated legal system on contingency fee agreements. Today is our opportunity to make sure that never happens and I'm asking for the House's support in that regard.

The Acting Speaker: This completes the time allocated for debate on this ballot item.

COLLISION REPAIR STANDARDS ACT, 2002

LOI DE 2002 SUR LES NORMES DE RÉPARATION EN CAS DE COLLISION

Mr Sampson moved second reading of the following bill:

Bill 186, An Act to further highway safety and establish consumer protection through the regulation of the collision repair industry, and to make a comple-

mentary amendment to the Insurance Act / *Projet de loi 186, Loi visant à améliorer la sécurité sur les voies publiques et à protéger les consommateurs en réglementant le secteur de la réparation en cas de collision et à apporter une modification complémentaire à la Loi sur les assurances.*

The Acting Speaker (Mr Michael A. Brown): The member for Mississauga Centre has 10 minutes for his presentation.

Mr Rob Sampson (Mississauga Centre): Before I get too far on in my 10 minutes, I want to thank various members of the collision repair industry who have come here today to witness our business this morning and to provide some support for the initiative that we have before the House. I also want to thank the member for Oak Ridges, who actually started this project, if you will, with me in about 1995 or 1996 when we collectively came to the conclusion that in order to help with some components of the auto insurance issues I was dealing with at that time we should take a look at bettering the environment under which people go to get their cars repaired. The member for Oak Ridges spent a number of hours consulting with the numerous stakeholders in this particular subject and came forward with some recommendations and proposals that, through subsequent discussions and negotiations, stand in the form of the bill that we're debating here today, the bill that stood in his name before he was elevated to cabinet just last week.

In the short time I have here, I think it's important for me to try to explain—and I know the member for Oak Ridges will do what he can to pick up where I have missed. Where we are now is that Ontarians are faced with a repair industry that for the large part is comprised of good operators such as we have here in this House in the galleries today: good, hard-working men and women who are making an honest living out of repairing vehicles that have been damaged, either through an accident, theft or whatever, or vehicles that just need repair because that's the way vehicles are these days. Every once in a while you do need to repair things, whether it was an accident or not.

The problem, of course, lies in that there are those in the industry who choose not to honour good business practices, good training practices, good customer relations practices that the good operators do. As a result of that, they tend to poison the relationship that these fine people have with their customers, and that's wrong.

1100

There are rules and regulations that are scattered among the various legislative books in this province, the various laws in this province, that deal with things these fine men and women must honour when they do their jobs—pollution control initiatives by MOE, training initiatives etc. But the challenge has been that there are no consistent standards which all operators within the collision repair industry need to meet or exceed in order to do business here in Ontario.

As a result of that, some insurance companies—not all, but some—who are the first payers, if you will, of the

bills of these individuals, have initiated on their own behalf, rightly or wrongly, correctly or incorrectly, programs to "certify" various members in the industry to do business for their—the insurance companies'—customers when claims are made, which sounds like a good initiative. The problem with that, of course, is that the standards by which these individual insurance companies certify these various shops to do business are themselves inconsistent to the point that some people who are still performing what I think the average and reasonable person would deem to be inappropriate business practices, get into that group.

In the sports analogy, there's not a level playing field for the men and women who are investing their own personal cash and their own sweat and equity in these various businesses. There's not a level playing field for competition among the various groups, and that's problematic. Why? It's because they are competing against people who may be breaking certain components of provincial legislation or maybe just demonstrating bad business practices, and that tends to bring down the quality, the performance and the public acceptance of that industry in general. It's the bad apples who have spoiled the basket.

The bill we have before us attempts to deal with at least establishing minimum standards on performance, training for staff who are working, business practices, invoicing, the type of equipment being used, which will apply to everybody who's playing in this business and maybe drawing in other provincial pieces of legislation so that encapsulated in one regulatory framework will be these minimum standards which anybody who chooses to repair automobiles in this province must adhere to.

By the way, this is not a novel concept. This Legislature, in its infinite wisdom, has done that in a number of other professional areas: lawyers, people who sell stocks and bonds, doctors, physiotherapists, optometrists, you name it. Most of the people who provide very important services to Ontarians have to meet some sort of regulatory environment in order to do that business in this province, and there's some sort of a regulatory council. In many cases it's governed by the members themselves; in some cases it's the members and consumers; in some cases it's the members, consumers and other groups. This bill proposes one, but that could change if this House so chooses. A regulatory council will certify the practitioner or lawyer or broker or insurance broker, or decertify if it's deemed that their particular business practice is not meeting these minimum standards.

This bill is very simple. It simply establishes a framework under which this regulation—you can call it self-regulation if you choose—will happen. In fact, the regulations and business practices and rules of the game, if you will, will be those that have been recommended by this advisory group to the government through a ministry—I'm recommending one in this particular bill, but I'm open to others, if that's the choice—and those rules deemed appropriate by government will be the

minimum playing field rules that will apply to anybody who's operating in this business, in the hope that those who choose not to do it that way will eventually be weeded out—that's good—but frankly in the hope that Ontarians and those who are using the service and those who are in the business themselves can have pride and confidence, and some faith, in what these individuals do to their vehicles.

It's a consumer protection initiative as well, because one needs to realize that after a car is involved in a serious accident and gets repaired at these shops, it's back out on the street again. It's that car next to you as you look out the window. It's the car ahead of you with the brake lights on. It's the car behind you that's having to stop because you had to put your brakes on quickly. These vehicles are around you, and you need to have confidence that the work that has been done to return them to the road after an accident has been done safely and effectively and, since you're eventually paying the bill, efficiently. These are the standards under which I hope this House considers Bill 186.

We need to have some confidence in this industry. These men and women who are sitting here today need to have some confidence in their industry. Those of you who are paying the bills, the insurance company premiums, the repair bills that come before you because you've chosen not to go through the insurance company, you need to have some confidence that that bill is a fair bill, that the work has been done by people who are qualified to do it, and you can get in the car and safely drive it again.

I encourage the House to favourably consider this piece of legislation.

The Acting Speaker: Further debate?

Mr Monte Kwinter (York Centre): I am pleased to rise and support Bill 186, the Collision Repair Standards Act. I think it's critical that an industry that is so important to the driving public, and that's a vast majority of the citizens of Ontario, have some sort of minimum standards, some sort of level playing field. Having said that, I have some real concerns about the bill, which I hope will be addressed when it goes to committee, if it goes to committee, and I hope that this House will see fit to send it to that committee.

My concern is that—and as a former Minister of Consumer and Commercial Relations and a minister responsible for consumer protection—there seems to be an unlevel playing field when in fact the whole premise of this bill is to have a level playing field.

As a member who is now in his 18th year in this Legislature, over the years I've had many, many calls and complaints from people who have had difficulties with things related to automobile repairs, but not specifically. They have problems with the insurance companies; they have problems with the towing companies; they have problems with the repair companies. And there is a link. You can't separate any of those parts, because the first point of contact after an accident is the tow truck operator. He comes to the scene. The driver is in a

traumatic state, may be injured, whatever it is, depending on the severity of the accident, and suddenly has to make a decision. And all of you know that the tow truck operators descend like vultures. They monitor the police reports. There's an accident and suddenly there are six trucks lined up to try to grab this car. When they do that and they say to the driver, "We're going to take this car to this particular place," unless the driver is really calm and settled down and says, "Well, I don't know about that," they'll say, "Fine, go ahead and do it."

I just had a recent case, to give an example, where that exact thing happened. The vehicle was taken to a repair service. The insurance company said, "They're not on our preferred list. We will not honour that claim. We've got to take it to someone that we want to take it to." The repair company that had it said, "There's no way. We have the car. We've already started. You're going to have to pay us or we're not going to release the car." My constituent had to wait a week to get their car out of that garage. That really isn't right.

1110

It's critical—and I applaud the minister, who is the member who introduced this private member's bill—that there be a level playing field. The critical part about it—and I hope it doesn't get diluted once we get into discussions—is that it is the consumer's choice as to where that car goes, not the tow truck driver's choice, not the insurance company's choice. It is the consumer's choice. They will decide where that car goes, with the proviso—and that's what this bill provides—that every automobile repair shop in Ontario will have to be certified. If they're certified, then everybody has to buy into the fact they are certified and, as a result, there can't be any manipulation as to where that car goes.

It would seem to me that if that can be assured, then I don't have a problem. We have to make sure the certification is there, that the shops that are certified have got adequately trained mechanics, body repairmen, people who have to deal with the mechanical aspects of it, including the repair part of it, and everybody has a level of satisfaction that in fact their car is going to be professionally repaired, is going to meet all of the safety standards, is not going to provide problems down the road and is not going to be a hazard to the driver or to anyone else. If we can get that, I think it's great. I have no problem with that.

The situation when we go to the actual bill gives me some concerns. Let me just tell you what those concerns are. The act provides that there be an advisory board. The advisory board is to be made up: "four shall be persons who work in the collision repair industry; three shall be persons who work in the automobile insurance industry; and two shall be persons who do not work in either the collision repair or the automobile insurance industry, and who are not employees of the Ontario public service."

That's a nine-member board and it seems to be representative, but again I think that somewhere along the line we've got to bring in that other component. We've got to bring in responsible people in the towing industry so that

they can buy into this process. If they're not at the table, they're not going to feel they're part of it and there's not going to be that ability to get a buy-in so that they can clean up their act. It would seem to me that that should happen.

The other problem I have is that, further along in the proposed act, they talk about "delegation." In the delegation, after I've just outlined to you the composition of that advisory board, you then put in what I consider to be a hook. You're talking about delegation and you say, "The advisory board may, subject to any conditions it sees fit"—talk about opening up the door. You're saying the advisory board, no matter what they think of, what they want to do, are allowed to delegate any of their "responsibilities under subsection (1)."

What can they do? Here you've gone to this great effort to make sure the advisory board is represented by the stakeholders, and I'm not talking about the drivers but in the industry. Then you're saying they can change that any way they want to, subject to any conditions it sees fit and they can delegate it to "one of its members." You can take whatever responsibility, and instead of making sure there's a quorum, making sure there is fair representation of all of the stakeholders, you suddenly find that they can delegate it to one member.

They can also delegate it to a committee of members. I have no problem with that as long as there are provisions for a minimum number of members to constitute that committee.

The next provision really puzzles me. In the original structure of the advisory board it specifically provides that "two shall be persons who do not work in either the collision repair or the automobile insurance industry, and who are not employees of the Ontario public service." Then we have, in "Delegation," that it can be delegated to "one or more employees of the ministry over which the minister presides." A couple of pages before, you specifically exclude them, and then, in the next couple of pages you provide that it can be delegated to them. We have a problem. It doesn't seem to make any sense. You say, "We don't want to have the government or public service employees involved," but then there is this delegation provision where they in fact can be. I have some very serious concerns about that.

When we get down to it, this is really a consumer protection act. I agree with the member. I give the industry the benefit of the doubt. The vast majority of the people out there are honourable, they're businessmen trying to do the best for their clients and themselves to make sure they're viable and can be competitive, and that there's a fair marketplace where they can get a fair return on their investment, on their equipment, and can prosper.

We have the insurance companies. Again, I used to regulate them. Most of them are honourable companies. I'm telling you, there's nothing more satisfying to a driver who has an accident: he calls the insurance company and gets a claims adjuster, they handle it smoothly, fairly and send you on your way, and you say, "Wow, I've got a great insurance company. They're going to see

that my car gets repaired and get me back on the road. They'll provide me with another car, if need be. They will do all of these things, and that's great."

Then you have the tow truck operators. Some of them are great and efficient, and they do the job and take you where you want to go. That's fine. But the reason we need regulation is for that small number of so-called bad apples. They're the ones who are not playing by the rules. They're the ones we've got to bring in the regulations to try and get rid of, quite frankly. We want them out of the business. If it's the insurance company, the tow truck operator or the repair shop, we want them out, because it gives everybody else a bad name. We want to make sure we can protect the consumer and protect the businessmen, the people who are in the repair shop business—this is their livelihood. As they say, they have made substantial investments in time and training. We want to make sure they're protected. We want to make sure that citizens get fair treatment from their insurance companies and from the companies that are towing their vehicles to start the repair process.

I think it's important that the regulations in the act address all those areas. I feel that at the present time it doesn't quite meet that standard. We will be supporting the bill, because the intent is good. It's a start, but there are some whole areas in this that have not been addressed that should be addressed. It's critical that we come up with something that does the job that people think it is doing and not paper over and just give us the impression that something is being done.

Mr Tony Martin (Sault Ste Marie): I'm very pleased to be here this morning in the very unusual circumstance of actually saying it will probably be unanimous today, that we will support an initiative, a bill coming forward, from a member of the government side. In my seven years across from these folks, this is the first time I can remember that I've actually been able to support anything they've brought forward.

This bill addresses a number of fundamental issues that are of concern to me, certainly of concern to my caucus and obviously to the member for York Centre and the Liberal caucus. It speaks about freedom in the marketplace, it speaks about protection for small businesses, it speaks about moving to protect workers in a very important industry where there are some concerns and it also speaks about protection of the consumers' interests in this instance.

1120

However, I do have some thoughts to put on the record here because we have some concerns, even though we are supporting it. Our concerns are tied into very much the pattern, the track record of this government to, in almost all instances, prefer and shower benefit on the larger business interests that operate in Ontario, in this case the insurance industry, which is very powerful and controls in many insidious ways almost every aspect of the business that they are either directly or indirectly connected to.

So we need to be making sure in this bill that there are ways we can ensure that even after this bill is passed—

because there are opportunities available in this bill, if you read it and as it rolls out, for this government to do as it has done so many times in its tenure here: on one hand to say, "Yes, we want to do this," but then when it actually comes down to it and given the opportunity to once again shower favour on those who contribute more generously to their coffers in terms of their need for money to run elections, we find that they do that which is not in the best interests of the smaller business interests, the worker in those industries and the consumer.

My concern here is, I think, well-founded and it goes a little bit further than the member for York Centre has elaborated so eloquently in terms of the concern re the advisory panel and then cutting out the bureaucracy and then bringing them in again. My concern is the control that the minister ultimately has over this and that anything the advisory panel decides must be delivered to the minister, who then will decide how that actually plays out in the legislation and in the determination and the putting together of regulations.

I give you, for example, for your perusal the instance of this government bringing in legislation and regulation to govern the delivery of services to seniors in our province under community care access. They put a whole series of regulations into a framework of legislation that was to be the framework within which that particular piece of public business would roll out. In a short time they found that it didn't suit their particular approach, it wasn't supportive of their need to manage more closely or spend less money in that sector, to bring in the private sector in a more direct and obvious manner, so they brought in other legislation which was, as my own colleagues would suggest, and Liberal colleagues that I've spoken to, rather a hostile takeover of that particular piece of public business, which changed the flavour, the tone and the very direction of that legislation in a very major and immediate way.

My concern in this instance is, looking at the bill and the power the minister has in taking into account the counsel given by the advisory panel, that maybe initially there will be an attempt, because this government wants to curry favour with a broader cross-section of this province as it moves toward an election—that there is in this the ability at some point, if not immediately, certainly down the line, for the minister to come back and begin to do things that would once again favour the bigger, corporate interests at the expense of the small business operator in every one of our communities across this province. I have to say that concerns me.

So I will be supporting the request that the member for York Centre made a few minutes ago to make sure this bill goes to committee, so that in that venue we can all insist on the government making sure there is provision in this bill to make sure that that in fact isn't what happens in the long run, because our concern in this whole piece is that we wrestle away from those bigger interests, particularly the insurance companies, the control and power they have right now to dictate where it is that vehicles that are in accidents go for repair and who

it is they will pay, because we know that behind the scenes there are other deals happening. There's money being paid that many small businesses cannot afford to pay in order to be a player in that market, and that concerns me.

It concerns me because I've done some work over the last five years in the area of franchising where I discovered, to my great chagrin—in my community I thought there were numerous small businesses, independent, in control of their own future, and if they made the investment, if they worked hard and lived up to the spirit of the product they were trying to deliver to my constituents, and they were good businesspeople, lived according to the law, that they could and would be successful, when in fact I discovered that there were so many controls and other manners of influence at play in most of the franchising operations that I had the pleasure of sitting down with and talking to, that many of them, even with their best effort, could never be successful or, at the very least, as successful as they hoped they would be. Having made the investment, having done the very hard work, having brought their expertise to the particular company and done all the right things, their ability to be successful was capped.

Even with the greatest of interest and commitment, participation and contribution, they were being controlled by bigger interests. There were deals being cut at another level by some of the big distribution systems. For example, some of the grocery chains—the very limited number of large grocery chains—that are out there right now delivering food products to our communities precluded many of the small businesses, franchisers in my community, ever either being successful or being successful in the way that the contribution they've made indicates they should have opportunity to be.

It's the same dynamic at play, I believe, in much of the repair industry of vehicles when accidents happen. We needed to bring in some regulation to somehow make the marketplace in Ontario free again, because the priority of the large corporate sector is not the same priority, sad to say, of those small business people who live in places like Sault Ste Marie, Sudbury, Blind River, Wawa and all of those communities across this province. We have to be careful here because we know from their track record that this government in fact is friendlier with the larger corporate entity than they are with individual small businesses in communities across this province.

We have some concerns, even though we agree that this is a good first step and that the member for Mississauga South, carrying a piece of legislation that was first introduced by the member from Oak Ridges, is wanting to do the right thing here. We just want to make sure in our capacity as critic to this government that in the long run it does become and continues to be the right thing, that there are no loopholes or end runs that can happen here that would take us back to the circumstance we're in today.

The other issue we have some concern with, and it's why we want this bill to go to committee, is that we want

to make sure the price of entry, the conditions that are imposed by the advisory committee and ultimately the minister, yes, in partnership or in cahoots with the larger corporate interest, might be put in place that would make the price of entrance into the industry itself so high—for example, the cost of equipment. You could set an artificial level for the investment that a small business person needs to make in a company so high that nobody could get in, or that they wouldn't qualify for the standard that is being set in this legislation and therefore wouldn't be able to take advantage of some of the business that was potentially coming their way. That concerns us as well.

1130

It concerns us that there continues to be some control on the advisory committee as it makes recommendations to the minister that they not bring forward—the advisory committee which can be changed by the government whenever it feels that it's not suiting their purpose, as we've seen in the instance of community care access centres where we had a hostile takeover. I was just looking yesterday at the list of replacements on those organizations that have happened in the last year; it's unbelievable. The government brought in people more sympathetic to their particular approach to that piece of public business so they then could have their way.

That could happen here too unless we're allowed in committee, Liberal, New Democrat and Conservative caucus, to have a very honest and frank discussion about this so that at the end of the day the recommendations and the regulations put in place preclude that, don't allow that to happen, so the standards that are put in place are in fact supportive of the very legitimate and hard-working small business people across this province who invest, in some instances their life savings, in this business so that they can make a living, support their families and look forward to retirement based on the profit they will generate in that business.

I realize from discussions we've had, that our research department has had with many of the small businesses in this sector across the province, that you are in favour of this bill. But I would invite you to work with us to make sure this piece of legislation goes before committee so that we can in fact put in place those things that are necessary to protect us from some of the possibilities I've just laid out for you this morning that could indeed happen, and have indeed happened, under this government as they are attracted to or persuaded or cajoled into, once again, showering benefit or favour on those big corporate interests that put so much money into their election campaign machine. We know that it has happened, we know it continues to happen and we know it will happen again.

So we are supporting the small businesses who are here this morning in their very real and genuine concern for their small businesses, for their colleagues in this business. We congratulate the members for Oak Ridges and Mississauga South for bringing it forward. On a more personal basis, I was disappointed that last year

when I brought a small bill forward to suggest that this government might want to give to people in the province living with disabilities a very modest increase in their income, they almost unanimously voted against it, and that was unfortunate. Even the two members who are bringing this bill forward to protect the interests of small business across this province, which I believe is the right thing to do, couldn't find it in their hearts to protect the interests of those in our province who are living with disabilities and have fallen some \$7,000 to \$8,000 below the poverty line in terms of their income and their ability to look after themselves. So if that attitude prevails where this bill is concerned, we're in difficulty. But if we bring it to committee and we all have a chance to give our input, if at the end of the day that's reflected in the bill and the legislation, I think we'll have something worthwhile here and we will support it.

Hon Frank Klees (Minister of Tourism and Recreation): First of all I want to thank the member for Mississauga Centre for agreeing to take up the cause on this bill. I also want to thank him for the number of hours he has spent with me over the last six years, approximately, working on this issue. I also want to thank members of the industry, many of whom are represented here in the galleries. I appreciate your being here and your support. I have to tell you, Speaker, that I have come to respect highly the men and women in this industry because, to a large degree they represent entrepreneurialism in this province. They represent individuals who are willing to risk their own dollars in terms of investment in businesses, have done so and work hard to deliver a very essential service to consumers in this province.

I want to thank members of the House because, without their unanimous consent this past week, we would not have been able to debate this bill today, simply because when I was asked to take on responsibility as minister, of course, my bill would have gone into the black hole, so to speak. So I appreciate the unanimous support of members of this House to allow us to debate this today.

I want to acknowledge that this process over the last six years has been a tremendous learning experience for me. It has been frustrating; it has yet at the same time been incredibly rewarding. This issue was first brought to me by a constituent. I had no idea, other than my personal frustrating experiences with collision repair, which I've had a few—none my fault, I might tell members of the House. But I had no personal experience with this industry in terms of what actually happens on the ground and what some of the background issues are. A constituent came to my office about six years ago and told me some of the issues around this industry. It was at that point in time that I said, "If what I hear is true, we have a responsibility as legislators to do something about it." So we started down that path.

It started with consultations with the industry, and there were representations from the towing industry, I say to the member for York Centre as well. He raises a very

important point, because there is a continuum of service here that involves not only tow truck operators but appraisers and people in the collision repair industry and the insurance industry. I agree that we have to somehow be able to deal with that on a seamless basis to ensure that everyone is treated fairly. But we went through that process of consultation, and the more I heard from people in the industry, the more I became convinced that this is an issue that we, as a Legislature, must address. It ranged from an issue of fairness in business practices that affect, yes, insurance companies and how they deal with repair shops; it dealt with how repair shops relate to each other in terms of the issue of a level playing field in doing business; it had to do to a large degree with the issue of consumer safety.

When I heard how there were actually repairs being done across this province today, and some are being done as we speak, that should not allow that car in its newly repaired condition to be back on the road because the minute there was any kind of a serious collision the lives of the people in that car would be at risk, something is very wrong. The fact that there is no province-wide standard in place today was a shock to me. I feel that we, as legislators, have a responsibility to act and to do this in the interests not only of the industry that's represented here today but, equally as important, in the interests of consumers who expect that we, as government, will take these initiatives on their behalf.

So before us we have a bill that I will admit is not perfect, and I thank members opposite who are saying, "Let's move this into committee," because that certainly would have been our intent and request as well. As I've explained to people in the industry, the process here is that we now take this bill that we agree to in principle—we agree something has to be done—and let's get input from the industry at that point. I'm sure there are some nuances that we have yet to consider here, certainly with the experiences of members opposite, and as a former minister of consumer affairs, we welcome Mr Kwinter's input on this as well, and members of the third party. It's at that stage in committee that we expect there will be some amendments proposed that we will accept to this bill so that we can then put it into a form where it will serve the industry as well as the consumers in this province well.

1140

With regard to some of the comments that have been made relating to the composition of the council, the composition of the board, if you will, the advisory council, I'm open to that as well. Again, let's have a look at that. In terms of the committee process, we will certainly want to do everything possible to make sure that this does the job that we intended it to do.

On the issue of the gatekeeper for this, I agree with the member from Sault Ste Marie. I think it's important that we not put up barriers here that prevent small businesses with low cash flow to become part of this process. I think some of that was actually addressed in the course of our consultation with the industry. There are ways that the

industry has of dealing with that. So we want to ensure that all of those issues are taken into consideration.

I know some of my other colleagues want to speak to this as well. I would have loved to take another hour on this, because so much has happened over the last number of years as I've dealt with this.

Let me just close my remarks by saying that for me this has been an encouraging, although, as I mentioned earlier, often frustrating process, because what it has shown is that one individual in a community can bring an issue to a member's attention and that that concern expressed can actually end up on the floor of the Legislature with legislation being introduced, debated, refined and ultimately then brought into force as law, which I hope—and I'm optimistic, with the expressions I hear today—will happen.

We hear so much about the parliamentary process and the lack of authority or the lack of influence that backbenchers may have or even cabinet ministers may have, indeed. I think this is a good day for Ontario. It's a great day for this Legislature when we see this kind of co-operation and this kind of progress being made.

Mr Mario Sergio (York West): Just a couple of points in my three minutes of time. Let me say that I do commend the member from Mississauga Centre for bringing this to the House. Yes indeed, it deserves all our support. Send it on to the committee and hopefully ask the—congratulations, by the way, to the new minister from Oak Ridges, Frank Klees, on his new position—that it indeed comes to the House with some amendments coming from this side of the House as well, amendments that I believe will be not only important but necessary. This is an excellent step. I commend the member for bringing this to the House.

But just quickly two points that I believe the member must address before this bill comes back to the House: one, I have a collision reporting centre in my area. In the same location we have insurance companies, company or companies, where they tell people, "You want this fixed, you've got to take it to such-and-such a shop." This goes for choice. I hope the minister is listening. This goes for choice to the consumer. I don't believe it is fair that we have insurance companies in a reporting centre saying to the client, "You want your car repaired," or truck, whatever, "you've got to take it to such-and-such a place." That is not a choice.

Regulatory body? Yes. But unless ultimately we attach some concrete, some solid control, this will become nothing more than another piece of red tape legislation, and who wants more red tape legislation? We want real protection for consumers. So I think this is a good step.

One important point that I want to address in the House—and I'm glad the minister is here; the member for Mississauga Centre is here as well—is this: a constituent of mine purchased a car from a car dealership, was involved in an accident, was sent back to the same dealership and the car was fixed. Then the client said, "Well, you know what? The car is three years old. I want to buy a new one. I like the make. I want to buy a

new car." Same dealer. Same agent. He says, "OK. Well, your car is worth so much, if you want to trade it on the market." Well, from \$20,000 the value came down to \$16,000 because the car was involved in an accident. Why is that? That is one area that must be addressed and this may be a good starting point to ensure that loopholes like this will be closed, that consumers will be really protected. If the car has been repaired to perfection, as it should be, then there is no reason why that car owner shouldn't get the market value, whatever that car may bear. Why should they be penalized because the car has been involved in an accident? They don't tell you that it's major or minor; the car has been involved in an accident.

So I hope that all of this will come out in the public hearings. I hope that the government will accept those amendments and we can—

The Acting Speaker: Thank you. Further debate?

Interjection.

Mr Wayne Wettlaufer (Kitchener Centre): Thank you, I say to the member for Mississauga Centre.

I'm very happy to stand here and speak in support of this legislation. I won't tell you that I don't have some minor reservations; I do, but they of course would be addressed in committee. I congratulate both the member for Oak Ridges and the member for Mississauga Centre for bringing this forward.

The purpose behind this bill is to enhance public safety and that is what's most important. It will also establish province-wide standards. That's important. If I was either the member for Oak Ridges or the member for Mississauga Centre I would have some concerns that the midnight operators who have been operating willy-nilly for the last number of years might be in town torching their houses right now, but that's beside the point.

I would like to address the fact, first of all, by saying I was in the insurance business for some 35 years. I've had a relationship with the body shops, the repair shops and repair facilities around this province and 99% of them are absolutely excellent facilities. A few are not and those few are the ones that need to be legislated. Those are the ones that need to be regulated, and regulated severely.

Saying that and saying that standards are necessary, that is not to say that body shops and repair facilities that use non-OEM equipment should be considered not certified. I don't believe that. I believe that non-OEM equipment is definitely acceptable. We've had presentations recently to the auto insurance committee to the effect that OEM equipment should be the standard. I'm sorry, I don't accept that. I've had too much experience; I would have to say that non-OEM equipment is used—we know it's used—by the original manufacturers. So I would say that any shop that uses non-OEM equipment could be certified.

However, that being said, we have to ensure that standards are in place to ensure that repair facilities are actually doing the work that they say they're doing and they are putting on the parts they say they are putting on that vehicle. We don't want a vehicle that shouldn't be repaired, however, to be on the road. Again, it's only a

small minority, a very tiny minority, of shops that are responsible for that happening.

In the bill there is a proposal to amend the Insurance Act to say that the shop must perform a repair at a price that is competitive with that charged by another certified collision repair shop. Provided that the member for Mississauga Centre is amenable to this, I would like to see that changed. I would like to see the words "competitive with" changed to "no greater than." I do believe very strongly that "competitive with" could mean a 10% overcharge. I happen to believe that the people of this province want their insurance rates as low as possible. If we start allowing a 10% leverage in charges at body shops, that would affect insurance rates and I think the people of this province would object.

1150

Looking at some of the exceptions which would apply in the bill, I'd have to go along with them. Let's go to subsection (1) first of all.

"Payments only for certified collision repair shops

"263.2 (1) Despite the terms of any policy, an insurer may not make a payment for the repair of damage to an automobile due to a collision, unless the repair is performed at a certified collision repair shop within the meaning of the Collision Repair Standards Act, 2002." Under the exceptions to that, "Repair of damage that takes place outside of Ontario": I think that's quite acceptable. Everybody understands that easily enough. If Monte Kwinter is in Ohio and he has a repair that is necessitated from an accident, obviously he's not going to be asked to bring the automobile back to a certified shop in Ontario and have the repairs completed here.

The second one addresses many people's concerns: "Situations where there is no certified collision repair shop within the immediate geographic area." In many rural areas, in northern parts of the province, there may only be one repair shop and that repair shop may have no interest in becoming certified, but there may not be another repair shop within 100 miles. Obviously the bill would not apply in those cases.

"Repair of damage to equipment that is not part of the structure or body ... including, without being limited to, electronic entertainment equipment": I think we all know of too many cases where there might be a \$1,500 automobile that happens to have \$5,000 worth of electronic entertainment equipment in it. We can't expect a certified shop to conduct repairs on that equipment. It would be totally illogical and unfeasible for us to expect a repair shop to carry out those repairs. That's going to be done by an uncertified repair facility.

The Acting Speaker: The member for Mississauga Centre has two minutes to respond.

Mr Sampson: I want to thank members of the House for their contributions and their good suggestions this morning. Of course, should the House decide to carry this piece of legislation when the vote comes, we would be more than happy to see it come before committee to consider the suggestions you've raised and any other suggestions you might have. I would encourage members

to get those items to me so that we can consider them in a full and open hearing process to better this bill. I would be the first one to say it's not perfect. It probably won't even be perfect after we've considered all the regulations and amendments since none of us ever come up with perfect legislation, but I am prepared to work with you to try to find ways to better it.

Second, on the item of price of entry: I think the point the member from Sault Ste Marie was getting at is that we certainly don't want to disqualify the ma-and-pa shops, if you will, from doing legitimate business in this province. That is not, I would say to this Legislature, the intent of this bill. In fact, it's the actual reverse and opposite of that: that hopefully, through these regulations and standards, those individuals will have more access to providing this type of business than they currently do.

The item of whether the consumer has a choice of where to go is an interesting one. It's a valid one because this legislation doesn't propose to change that. That's dictated by the Insurance Act, which quite clearly is now saying that the consumer's choice is the consumer's choice. This legislation will effectively say and only limit that choice to those people who are certified to do that business. I believe that's the core of this bill. It's the core of the agreement I heard in this Legislature, and I look forward to further discussion of this in committee.

The Acting Speaker: This completes the time allocated for discussion of this ballot item.

At 12 o'clock noon I will place the questions regarding the two ballot items this morning.

Mr Sampson: On a point of order, Mr Speaker—you can't take it now? It's in recess?

The Acting Speaker: I'm afraid we can't take points of order at this point.

The House recessed from 1155 to 1200.

SOLICITORS AMENDMENT ACT (CONTINGENCY FEE AGREEMENTS), 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES PROCUREURS (ENTENTES SUR DES HONORAIRES CONDITIONNELS)

The Acting Speaker (Mr Michael A. Brown): I will now deal with ballot item number 59.

Mr Bryant has moved second reading of Bill 178, An Act to amend the Solicitors Act to permit and to regulate contingency fee agreements. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to the standing orders of the House, this bill be—

Mr Michael Bryant (St Paul's): I move that the bill be referred to the justice and social policy committee.

The Acting Speaker: Order.

Mr Bryant has asked that the bill be referred to the standing committee on justice and social issues. Agreed? Agreed.

COLLISION REPAIR STANDARDS ACT, 2002

LOI DE 2002 SUR LES NORMES DE RÉPARATION EN CAS DE COLLISION.

The Acting Speaker (Mr Michael A. Brown): We will now deal with ballot item number 60.

Mr Sampson has moved second reading of Bill 186, An Act to further highway safety and establish consumer protection through the regulation of the collision repair industry, and to make a complementary amendment to the Insurance Act. Is it the pleasure of the House that the motion carry? Carried.

Mr Rob Sampson (Mississauga Centre): I believe the finance committee is going to welcome this bill with open arms. I'd like to refer it to finance.

The Acting Speaker: Mr Sampson has asked that the bill be referred to the standing committee on finance. Agreed? Agreed.

All matters pertaining to private members' public business now being complete, this House stands adjourned until 1:30 of the clock.

The House recessed from 1202 to 1330.

MEMBERS' STATEMENTS

GOVERNMENT'S RECORD

Mr John Gerretsen (Kingston and the Islands): It's all about ethics and integrity, and it's clear the Ernie Eves government seems to lack both.

They don't have money for our seniors and those in need, but they certainly have it for themselves and their friends. They froze budgets for home care and refused to release the money committed four years ago by this government. They jacked up the rents for our frail and elderly living in nursing homes by 15%, when the law says everyone else could only get 3%. They have no money for our seniors, but they could spend \$8 million on the most expensive leadership campaign in history. They have no money for our most vulnerable, but they have \$10 million for sports teams in secret tax deals.

Let's look at the spending behaviour of some of the cabinet ministers: up to \$100,000 of taxpayers' money spent on totally unreasonable expenses. It's "Do as I say, not as I do" over on the other side of the House. They've got millions of dollars to spend on themselves with fancy dinners at steak houses, expensive hotel rooms and in-room movies, but when it comes to our seniors, our frail, our vulnerable, the government doesn't just say, "You're on your own." No, it's worse. They say, "You're on your own, and we're going to pick your pockets while we're at it."

It can't get much worse. The Harris-Eves government has lost touch with Ontario. They are looking out for themselves and their friends and they forget about the

people, especially the frail and elderly, here in the province of Ontario.

AUTISM SERVICES

Mr Peter Kormos (Niagara Centre): Curtis Moore lives in Stevensville. He's just a kid, but he's a kid with autism. His parents, Craig and Joanne, both incredibly hard-working, honest people, indeed both working people—you see, they can't afford not to, because they have to pay \$40,000 a year out of pocket for the autism treatment that Curtis requires.

They have no idea how they're going to pay back the borrowed money. They have no idea how they're going to finance this treatment at the cost of \$40,000 a year. They've embarked on it anyway. You see, they've been forced by this government to resort literally to pan-handling.

On Labour Day past, they got permission from Sherkston Shores resort to stand at the tollgate, the entry to Sherkston Shores, soliciting spare change from cars coming in, people visiting Sherkston Shores for the weekend.

This government should be ashamed of its abandonment of kids with autism and their families. It's imperative that this government move those children out of the ambit and scope of community and social services and make their treatment an OHIP-covered treatment so that Curtis Moore, Sarah Toner and so many other kids like them can get the treatment that they deserve, that they have a right to and that will enable them to live their lives fully and reach their full, real potential.

LORI BARBER

Mrs Julia Munro (York North): When a five-year-old girl put skates on and participated in her first learn-to-skate program at the then Keswick Figure Skating Club, something about the ice, the blades and the cold clicked with Lori Barber.

Lori used to wake her parents up at 6 am to get ready for the rink; then she waited for them in the car. Her enthusiasm never faded throughout the next 15 years of skating. Lori is still first at the rink and last to get off the ice.

In her skating career, Lori has had many ups and downs and disappointments. Throughout it all, Lori has never given up her dream to become a championship skater. Courage, determination and perseverance have given Lori many memorable moments, highlighted by her most recent accomplishment when she passed the highest competitive free skate test in Canada. It was a first for any Georgina skater.

Congratulations, Lori, and good luck with your skating this year.

GOVERNMENT'S RECORD

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): It is truly disappointing to see

the double standard of this government unfold before the public of Ontario. The Harris-Eves government pledged that it would get rid of government waste and that taxpayers' hard-earned dollars would be spent fairly and wisely.

Well, the facts speak for themselves. Under Mike Harris, when Janet Ecker was Minister of Community and Social Services, she cancelled the \$32-a-month nutrition allowance for pregnant women on social assistance. However, that same minister turned around and billed Ontario taxpayers \$66,000 for her expenses. When John Baird was Minister of Community and Social Services, he spent \$4,900 on an image consultant for himself. Yet this same minister stood in the House and voted against a cost-of-living increase for people on the Ontario disability support program, who have not had a raise in more than a decade.

The people of Ontario are outraged as these Tory leopards are truly showing their spots. They will pounce on the poor while they greedily enjoy the spoils at the Eves trough. The people of Ontario want accountability, integrity, transparency and leadership restored to their government. That will happen when Dalton McGuinty is Premier of Ontario.

OKTOBERFEST

Mr Wayne Wettlaufer (Kitchener Centre): Tomorrow, Kitchener-Waterloo will kick off official celebrations for the 34th annual Oktoberfest. It's the second-largest in the world. This 10-day event is visited annually by Ontarians, citizens from other provinces, as well as our neighbours to the south from states such as Pennsylvania, Texas, Missouri, Ohio, Michigan and California. It's not uncommon to see busloads of people coming from states as far away as Virginia, West Virginia—everywhere in the States. Further to that, we even have visitors from overseas who come to enjoy some of the delectable cuisine, delicious desserts and, of course, some beer for those of age.

I am pleased to say that our own Minister of Tourism, the Honourable Frank Klees, will tap the keg tomorrow morning. Oktoberfest brings a direct annual economic impact to the area in the amount of \$18 million, including \$1.3 million to non-profit charities.

I want to congratulate Lois Peterson, president of Oktoberfest, and Larry Blundell, executive director of Oktoberfest, for their hard work, and of course the over 500 volunteers without whose efforts Oktoberfest would not happen. Let me take this opportunity to wish the Oktoberfest committee the best of luck for a successful Oktoberfest.

GOVERNMENT'S RECORD

Mr George Smitherman (Toronto Centre-Rosedale): Who knew a few short months ago that the Eves trough would be overflowing with such goodies for Ernie and his friends. Let's see if we can follow the timeline.

Ernie was elected leader of the Tories. A few days later he goes to a Toronto Maple Leafs game and sits with Mike Harris and Steve Stavro, the owner of the Toronto Maple Leafs. A few days after that, magically the Leafs and the other pro sports teams are handed a \$10-million tax break, a payback from the government of Ontario. A few people were trying to listen in on the conversation. Was Ernie saying he'd give him 10 bucks for the beer or \$10 million for the year? Either way, we know who picked up the tab. Joe Taxpayer. That's who.

Whether it's alcohol or pro sports teams, the Eves government is picking the pockets of Ontario's families and hoping nobody notices. When they passed their secret deal to help out the wealthy sports teams, it was such a secret that nobody even knew it happened. They'll make secret deals, quiet handshakes in dark hallways and hope that nothing ever sees the light of day. Ernie and his buddies are driving their limousines up to the loading dock at Queen's Park and shovelling the money out, millions of dollars at a time.

One by one those guys over there are lining their pockets, lining up for whatever goodies they can get their hands on. They'll charge the taxpayer for anything and everything. It's called greedy. It's called out of touch. It's called inappropriate and unacceptable. It's an entitlement mentality that is pervasive over there, and that's why they're on their way out.

Interjections.

The Deputy Speaker (Mr David Christopherson): Order, please. I would just ask members to watch the line. That last statement was certainly getting very close. Please bear that in mind when making statements.

1340

EMPLOYMENT IN NIPISSING

Mr AL McDonald (Nipissing): Today, I stand before the House to speak about the recent loss of jobs in my riding of Nipissing. I would first like to say that I realize the difficulties these people and their families are going through right now, because losing a job due to cutbacks or global competitiveness is not easy to take. It is especially difficult for those raising a young family and those already struggling with debt due to mortgages and the costs of day-to-day living.

I just want to say that as MPP for the riding of Nipissing, it does concern me to see people losing their jobs when currently we are struggling to keep people in the north at any given time. To have these people lose jobs specific to our area is hard for us northerners to digest.

One of my long-term goals upon taking my role as MPP for Nipissing was to promote job creation and the retention of people in the north, especially our young people. This is why I will continue to persevere in the goal to have more businesses set up in the north and to have more jobs created. I understand that many times job loss is beyond government's control when dealing with the ever-changing global marketplace, but when it is possible, I believe that all three levels of government

should work together to bring solutions to the table rather than deal with the terrible aftermath of job loss.

GOVERNMENT'S RECORD

Mr Dwight Duncan (Windsor-St Clair): Yesterday we learned that Tory ministers and their assistants will go to the ends of the earth and back, as long as they can charge the taxpayers for it.

More than \$2 million has been racked up by that Tory bunch in expenses charged to the average taxpayer. While families were opening skyrocketing hydro bills, Cam Jackson was eating expensive steaks and making us pay for it. While our elderly were hit with a 15% rent increase, the Harris-Eves government was handing over \$10 million to pro sports teams. While our vulnerable were told there would be no more home care services, ministers were living high on the hog and spending \$2 million. While our kids are in overcrowded classrooms with no textbooks, Ernie Eves was eating at Bigliardi's and charging it to Ontario's families.

There's a stench emanating from that side of the House. One rule for the province, one rule for the cabinet ministers. You want everyone else to tighten their belts, but when it comes to you and your friends, look out: the taxpayers' wallets are open and the money is flowing.

Ontario families are sick and tired of this double standard. They are sick of secret deals and being stuck with the tab for your expensive dinners. Ontarians don't want a Premier who puts himself and his friends first. They want a government that will work for them and give them open and accountable government with real integrity. They want ethical leadership. They want the leadership that Dalton McGuinty and the Ontario Liberal Party can provide in direct alternative to that. That's what this is about: honest and integrity in government.

RIDING NAME

Mr Ted Arnott (Waterloo-Wellington): One week ago, on October 3, I introduced Bill 185, the Representation Amendment Act that, if passed, would have changed the name of my riding from Waterloo-Wellington to Waterloo-Wellington-Kitchener.

At present the names of the provincial electoral districts, or ridings, are identical to those of the federal electoral districts. By adding specific reference to the city of Kitchener in the name of my riding, this bill proposes an exception to the rule.

Based on my 12 years of experience in the Ontario Legislature, first representing the riding of Wellington from 1990 to 1999 and now Waterloo-Wellington, I believe that this new name would better reflect the nature of the constituency that I am now privileged to represent. Waterloo-Wellington is the greatest riding in the province, a scenic diversity of small towns, rural areas and a significant part of a major urban area in the city of Kitchener.

Based on statistics used by Elections Canada, I can inform the House that right now 26% of my riding, or over 31,000 constituents of mine, reside in the city of Kitchener.

Under the new ridings proposed by the federal government, the Kitchener component of my riding would grow to almost 40% of the total population of the riding, or more than 43,700 constituents. Kitchener is a major city in Ontario, an important part of Waterloo-Wellington, and I believe that by changing the name of my riding to Waterloo-Wellington-Kitchener we will enhance my ability to represent all of my constituents.

The Deputy Speaker (Mr David Christopherson): Reports by committees? Hearing none, introduction of bills. Hearing none, motions.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Did you have a bill?

Interjection.

Mr Tony Ruprecht (Davenport): Yes, I do.

The Deputy Speaker: At this point I don't sense there will be any objection, so quickly place your bill, please, member for—

Mr Ruprecht: On a point of order, Mr Speaker: My riding has changed to Davenport.

The Deputy Speaker: Davenport.

Mr Ruprecht: Thank you.

INTRODUCTION OF BILLS

REMOVAL OF OCCUPATIONAL BARRIERS ACT, 2002

LOI DE 2002 SUR L'ÉLIMINATION DES OBSTACLES PROFESSIONNELS

Mr Ruprecht moved first reading of the following bill:

Bill 189, An Act to remove barriers to the practice of occupations, professions and trades in Ontario for persons with appropriate qualifications obtained outside Ontario / Projet de loi 189, Loi visant à éliminer les obstacles à l'exercice de professions et de métiers en Ontario par quiconque a obtenu ailleurs les qualités professionnelles appropriées.

The Deputy Speaker (Mr David Christopherson): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Tony Ruprecht (Davenport): This bill has two purposes: one, it will stop the brain drain, that is to say, the flight of highly trained foreign professionals, to the United States; and two, it will stop discriminatory practices against foreign-trained professionals, so that they can participate in the dynamic growth of this city and this country.

MOTIONS

COMMITTEE MEMBERSHIP

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that following amendment be made to the membership of a certain committee: Mr Wettlaufer replace Mr Klees on the standing committee on general government.

The Deputy Speaker (Mr David Christopherson): Is it the pleasure of the House that the motion carry? Carried.

COMMITTEE REPORT

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Mr Speaker, I need consent to put this motion.

The Deputy Speaker (Mr David Christopherson): Is there agreement to allow the motion to be put? I hear agreement.

Hon Mr Stockwell: I move that notwithstanding the order of the House dated October 15, 2001, the standing committee on the Legislative Assembly shall submit its report on the inquiry into parliamentary reforms to the assembly by no later than December 12, 2002.

The Deputy Speaker: Is it the pleasure of the House that the motion carry? Carried.

VISITORS

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): We have in the gallery today the mayor of Hawkesbury and his wife, Jacques Héту and Muguette, who are visiting us in the Legislative Assembly. Also, we have the president of a fundraising group for the cancer society, Léo Proulx and his wife, Diane, from St Isidore de Prescott. They have raised over \$80,000 for the cancer society in the last two years. Welcome to Queen's Park.

The Deputy Speaker (Mr David Christopherson): Welcome to our guests.

May I also take this moment to ask the House to welcome, seated in the Speaker's gallery today, the Honourable Matthew Roberts, Speaker of the Legislative Assembly of St Lucia, West Indies, and Mr Bob Speller, MP for Haldimand-Norfolk-Brant and chair of the executive committee of the CPA. Welcome, gentlemen.

Mr Gilles Bisson (Timmins-James Bay): I'm sure that members would want to know that M^{me} Réjeanne Wood, the wife of the former member from Cochrane North, is here, along with the mother of one of our pages, who is here to visit today.

Mr Wayne Wettlaufer (Kitchener Centre): On a point of order, Mr Speaker: I didn't hear you acknowledge that my wife, Marilyn, is in the east gallery. She enables me to do all the hard work for the people of Ontario.

The Deputy Speaker: You make it sound like I knew ahead of time; come on. Welcome.

Anybody else? All right.

1350

ORAL QUESTIONS

MINISTER'S COMMENTS

Mrs Sandra Pupatello (Windsor West): My question is to the Deputy Premier. Yesterday there was an exchange in this House involving the Minister of Northern Development. Mr Bisson said, quote, "You are threatening, Minister, to root out public servants who may have a political affiliation of one kind or another." The minister's response to this was clearly heard by many members of this House. He said, quote, "It's not a threat; I promise to do so."

Deputy Premier, yesterday your minister promised to fire any public servant who is not a PC Party member. Do you think it's appropriate for a minister to promise to fire public servants because of their private beliefs?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I think we all know that Mr Wilson, the minister, takes the issues that face northerners very seriously. In fact he is out of the House today making a statement on a highway improvement in order to improve the safety for northern development.

Interjections.

The Deputy Speaker (Mr David Christopherson): Order. I can't hear the Deputy Premier responding, so I can't imagine anyone else can either. Please, we want to hear what the Deputy Premier has to say.

Sorry for the interruption, Minister.

Back to the deputy leader of the official opposition.

Mrs Pupatello: Deputy Premier, true democratic government rests on the foundation of a professional bureaucracy that rises above politics to serve people. Those comments yesterday set that principle on its ear. Threatening to root out and fire public servants because of their private beliefs is inappropriate. Promising to do it is undemocratic. It's bad enough that the NDP appointed David Agnew cabinet secretary. You filled the public service with names like David Lindsay, Deb Hutton and Bill Farlinger. Why should a minister be allowed to threaten public servants because of their private beliefs?

Hon Mrs Witmer: I understand that Minister Wilson has issued a statement of clarification. He will be in the House personally on Tuesday.

Mrs Pupatello: Deputy Premier, your minister promised to fire public servants because of their private beliefs. The people of Ontario will not accept a government that is stacked with government hacks. The people of Ontario will not accept a ruling party that attempts to stifle democratic debate. That's what you did yesterday, and that's what he said with his promise. You showed that this government fears everything it can't control. Deputy Premier, why does your government fear its

critics so much that you threaten to fire public servants because of their private beliefs?

Hon Mrs Witmer: I think it is important the minister have the opportunity to personally respond. I have just stated that he has issued a statement of clarification. He will be in the House on Tuesday. I think we all are well aware of the fact that he takes his responsibilities as Minister of Northern Development very seriously. Certainly he is busy today fulfilling that responsibility. He is making a very important and scheduled announcement on major safety improvements to Highway 11.

Interjections.

The Deputy Speaker: The member for Kitchener Centre and the member for St Catharines to start, and I'll go through the whole House if I have to.

PREMIER'S EXPENSES

Mrs Sandra Pupatello (Windsor West): My next question is also to the Deputy Premier. I'm holding in my hand new proof of the extravagant spending of Ernie Eves. These expenses were not part of the documents that were turned over to us under the freedom of information law. These were kept secret from us and from the public. These are several thousands of dollars in expenses, hidden by having senior public servants pay for them—not political staff—civil servants whose expenses would not be attributed to the minister or his office. Deputy Premier, why did the Premier attempt to cover up these expenses that he incurred and hide them from public view?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I have no information wherewith the member opposite is talking about but I think the Premier has made it quite clear that the information that was asked for has been provided to the opposition. So we have no information whatsoever about what she has there in her hands.

Mrs Pupatello: Deputy Premier, let me read you some of the figures that are in this list: hotel in New York for Ernie Eves \$1,334, expensed by Michael Gourley, the deputy minister; accommodation for Ernie Eves, minister, in Tokyo, Japan, \$1,400, expensed by Michael Gourley, deputy minister; dinner, including Mr and Mrs Eves and three others, \$1,020, expensed by Tony Salerno, chair of the Ontario Financing Authority; hotel in New York for Ernie Eves \$1,072, expensed by Tony Salerno.

Minister, why were these expenses not released, why did Ernie Eves try to bury them in the bureaucracy and how much did Ernie Eves really cost taxpayers as he wine and dined his way around the world?

Hon Mrs Witmer: This is absolutely unbelievable. The Premier has released all of his expenses. However, I would ask the member opposite, are you the same individual who has overspent your global budget every year that you've been elected?

Mrs Pupatello: I'd like to send this list over with a page.

Interjections.

The Deputy Speaker (Mr David Christopherson): Please take your seat. The microphone is not on.

Interjections.

The Deputy Speaker: Order. It's the last day of the week. Let's try and get through it. Sorry for the interruption, deputy leader of the official opposition.

Mrs Pupatello: Thank you, Speaker. I'm going to send via a page this information to the Deputy Premier. Thank you, Rachel.

Minister, there is more: a \$2,550 fee for a conference in Chicago. This was expensed by Leanne Burkholder, a senior analyst at the Ontario Financing Authority, but it clearly says the expense was for E. Eves. The total for just these eight expense forms is more than \$9,000—\$9,000 hidden from people, \$9,000 kept from us and the public, \$9,000 expensed by the bureaucrats to shield the minister. Why did the Premier hide his expenses through the civil service?

Hon Mrs Witmer: Mr Speaker, I'm going to refer this to the Chair of Management Board.

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): It's amazing. On the rare occasions that the Liberals tell the truth, they only tell you part of the truth.

The Deputy Speaker: The minister will know that's not acceptable. Please withdraw.

Hon Mr Tsubouchi: I withdraw.

Let's put this in context. With tremendous fanfare, in the Toronto Sun—I'll refer to that tremendous newspaper—the Liberals say that Dalton McGuinty billed taxpayers \$34,319 in travel, accommodation, expenses etc. But let's put this in a real context; let's look at the real numbers. The real numbers are, the Toronto Sun goes on to say, travel to and from Ottawa \$41,000; other travel, whatever that means, \$19,000; family travel \$17,000. That's \$77,782 over seven years—I assume we're using the seven-year standard. That's \$544,474. That's over half a million dollars. Tell the whole truth.

Interjections.

The Deputy Speaker: Thank you. Order on the government benches and in the official opposition.

1400

MINISTER'S COMMENTS

Mr Howard Hampton (Kenora-Rainy River): My question is for the Deputy Premier. Yesterday, the Minister of Northern Development and Mines threatened to fire any members of the public service who answer questions of opposition MPPs regarding important issues in our constituencies. More specifically, where an MPP asks a member of the civil service, "How can the community hospital in my community that is struggling with an operating deficit achieve a balanced budget, and how can it make use of government initiatives?" the response of the minister was that he promises that any civil servant that provides information like that will be fired.

This is disgusting behaviour. It's an assault on the neutrality of the civil service and on democracy. Do you defend this disgusting behaviour or are you going to fire this minister?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): As I indicated in my previous comments, the Minister of Northern Development has issued a statement of clarification. But if we want to take a look at the whole issue of health care, I think we need to recognize, again, the passion and commitment that the minister has demonstrated for northern development and his concern, obviously, that the hospital receive adequate funding.

I think the leader of the third party also knows that our government has made a tremendous commitment to improve health services for people throughout the province of Ontario. Our funding for health has increased from about \$17.6 billion when we were first elected to well over \$25 billion. We are moving forward to provide the Sensenbrenner Hospital with the appropriate funding that it can use to service the people in that community.

Mr Hampton: This is not about passion; this is about intimidation. This is about a threat to fire any civil servant who answers questions about how a community could deal with its hospital deficit. This is the kind of thuggish behaviour that you find in dictatorships, "Answer a public interest question and I will fire you. I will shut you up."

My question is very direct: do you countenance this kind of bully behaviour, this kind of threatening, this kind of intimidation, or are you going to fire this minister who has a habit of engaging in this kind of thuggish behaviour? Which is it?

Hon Mrs Witmer: Again, I remind the leader of the third party that the Minister of Northern Development has issued a statement of clarification whereby he acknowledges that he is passionate about the issues for people in the north. He feels very strongly about the funding for the hospital. He stands by his commitment to the people of Kapuskasing. He believes that they deserve quality health care as close to home as possible. He indicates that he is working hard for health care in northern Ontario; he wants to make sure that they have access to quality health care. He wants them to also have safe highways, and that's why he's making the announcement today. Of course, his other priority is to give them whatever support they need for economic opportunity.

Mr Hampton: A member of the NDP caucus asked a very positive question, "In view of the announcement that this minister made in Kapuskasing, how could all the other hospitals that are struggling with operating deficits have their operating deficit dealt with?" The response was, "I threaten to fire any civil servant that provides that information." Then he got on his feet and he said, "I promise to fire any civil servant that responds to a community that asks that kind of information."

In case you've forgotten, the civil service isn't your partisan group of hacks. The civil service is non-partisan,

it's meant to serve the people of Ontario, not just a cabinet minister who engages in intimidation.

The question is very direct: will you banish this bully to the backbenches where he belongs, or do you countenance this kind of behaviour?

Hon Mrs Witmer: When we recall David Agnew, I don't think that our memories would lead to your having to lecture anybody about appropriate behaviour. But I will tell you personally: Mr Wilson has issued a statement of clarification. He does acknowledge that his words may not have been well chosen. However, it does reflect the passion that he feels as he advocates on behalf of people in the north.

As far as people in the civil service as concerned, I think we all appreciate and respect the work they do on our behalf.

Interjections.

The Deputy Speaker (Mr David Christopherson): Before we go to a question, the members for Vaughan-King-Aurora and Nickel Belt.

HOSPITAL FUNDING

Mr Howard Hampton (Kenora-Rainy River): To the Deputy Premier again: perhaps you can explain this. There are 120 hospitals in Ontario that are struggling to provide hospital services to their communities. They're struggling with operating deficits. When they ask your government for help, your government turns a complete backhand to them. Yet the Minister of Northern Development and Mines went into Kapuskasing and announced, magically, that a \$700,000 operating deficit will be covered.

Now the other 119 hospitals want to know: what are the criteria? How can they apply? The response from the Minister of Northern Development was that if any civil servant asks that question, he threatens to fire them. In fact, he promises to fire them. So maybe you can tell us, Deputy Premier: what are the criteria by which hospitals that are struggling with operating deficits can have their deficits covered?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'm going to refer that to the Minister of Health.

Hon Tony Clement (Minister of Health and Long-Term Care): Let me assure this House that, of course, the Ministry of Health and myself as Minister of Health and Long-Term Care are working with every hospital in the hospital system in Ontario. There's no magic to this. We always review their operating business plans. We always review what their needs are in terms of population growth and demographic shifts and acuity ratios. That is a review that takes place with every single hospital in the province.

I might add that it is this government, the Ernie Eves government, that announced as part of Minister Ecker's budget a \$9.4-billion allocation to Ontario's hospitals, the largest in history, to meet the needs of Ontarians when in distress.

The Deputy Speaker (Mr David Christopherson): Supplementary?

Ms Shelley Martel (Nickel Belt): Minister, let me remind you that your government has agreed to pay off the full operating deficit of the Sensenbrenner Hospital. Other hospitals with operating deficits, in the north and in the south, are now wondering where their money is too.

I've got letters from the Timmins and District Hospital, the Notre-Dame Hospital in Hearst, who have already written to your government asking that their deficits be covered too. We know that the Sudbury Regional Hospital, the Niagara Health System, East York General Hospital and the Sault Area Hospitals all have deficits and all expect you, as a result of what you did in Kapuskasing, to fully fund their operating deficits too.

So the question is, are you going to give every hospital in Ontario that has an operating deficit the same deal as you did to Sensenbrenner in Kapuskasing, and when is the money going to flow?

Hon Mr Clement: It's clear that our commitment to hospitals is second to none. That is as a result of the announcement by the Minister of Finance in the budget.

It is also clear, year in, year out, that this government at least takes its responsibilities on an ongoing basis with hospitals seriously. Year in, year out, we have discussions with them over their operating plans. Year in, year out, we review the hospital funding formula and how it applies to particular hospitals. Year in, year out, we have those particular discussions, depending upon the need, the demographic pressures, the other pressures that hospitals face. Year in, year out, we do that, and this year, this government will continue to stand by our hospitals to deliver quality, accountable care to the people of Ontario. That is our commitment to the people of Ontario.

1410

EMPLOYER HEALTH TAX

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Deputy Premier. The issue of the tax for sports teams took another serious turn yesterday. Mr Tsubouchi, the cabinet minister who signed the document, said he had done that because he had been led to believe that the Minister of Finance, Mr Flaherty, had approved it but was simply away and couldn't sign the document. Mr Flaherty, the Minister of Finance at the time, has said that he was against it, that it was well known he was against it and that he would never have signed the document.

It's a serious matter involving at least \$10 million of taxpayers' money. The taxpayers, the public, have a right to know. It appears some official lied to Mr Tsubouchi about the approval of Mr Flaherty. Will you agree today to send this to an all-party legislative committee so we can have a public airing of this matter and so the public can understand what happened?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'm going to refer this to the Minister of Finance, who's addressing it.

Hon Janet Ecker (Minister of Finance): I think what is important to recognize here is that this particular decision did not meet the test the Premier felt was important for it to meet. That is why he has taken steps and I am taking steps to legally rescind this: to ensure the rights of our taxpayers are properly protected.

Mr Phillips: I don't think you understand what the public have a right to know. The document says, "And whereas the Minister of Finance recommends, and the Lieutenant Governor in Council concurs, that it is in the public interest to remit the EHT payable." In other words, the document alleges that the Minister of Finance, then Mr Flaherty, was recommending it. He's been very clear that he never would have recommended it, that he was against it. Mr Tsubouchi had been told that the reason he should sign this was that the minister was out of town, that it already had been agreed to by the minister and that he simply needed to sign it.

I say to you again, Minister: the issue for the public is they want to understand how this happened, how \$10 million of public money—someone signed a document saying the Minister of Finance agreed when he didn't. Someone is at least lying here—I'm not saying the ministers. I'm saying someone is lying—the officials. The public have every right to understand how that happened. Will you let the public see this by sending it to a legislative committee?

Hon Mrs Ecker: One of the things I think the honourable member should well know from their time in government is that ministers have alternative signing responsibilities for other ministers. That is a common process that happens many, many times in the absence of one or another minister. So I think that is one of the things that is very clear here—to keep on the record.

Second, decisions are made by cabinet, decisions are made through order-in-council—

Interjections.

The Deputy Speaker (Mr David Christopherson): I'm sorry to interrupt. I've been very careful not to let the government majority overwhelm opposition questions. I'm asking opposition members to show the same respect for ministers trying to answer.

Sorry for the interruption. Minister, please continue.

Hon Mrs Ecker: As I said, there are legal requirements for ministers to have signing responsibility on behalf of other ministers. That's something that has been in place for many years. It's a typical process that occurs. When discussions occur around a cabinet issue or an order-in-council issue, ministers sign them, ministers express views, ministers are briefed by staff. Those conversations, as the honourable member well knows, are confidential. It is a policy issue. The current Premier has been very clear about his view on this issue. We are taking steps to make sure the taxpayers are protected.

SENIOR CITIZENS

Mrs Julia Munro (York North): My question is for the Minister of Citizenship. As our population ages, it

will be increasingly important to provide seniors across the province with valuable information on healthy aging and healthy living. With the recent census release that highlights the aging population in Canada and in Ontario, can the minister detail for me what steps Ontario is taking to provide information and support to seniors?

Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors): I thank the member for the question. I know this member is very committed to the seniors in Ontario.

As minister responsible for seniors, I'm pleased to inform the House about this important initiative. Beginning this fall, a series of Ontario senior seminars will provide seniors across the province with valuable information on healthy aging and healthy lifestyles. They will include seminars on advance care planning, seniors' safe medication use, and avoiding financial frauds and scams. Studies show that 4% to 10% of seniors experience some kind of elder abuse.

These seminars are provided through the Ontario Seniors' Secretariat and are developed and delivered in partnership with Ontario's major seniors' groups and provincial organizations serving seniors. This education series—

The Deputy Speaker (Mr David Christopherson): The minister's time has expired.

Hon Mr DeFaria: —is just another example of Ontario's commitment—

The Deputy Speaker: Take your seat, please, Minister, now. Supplementary.

Mrs Munro: Minister, as you mentioned, public education initiatives are not only informative but also effective in addressing issues affecting the health and well-being of our seniors. By the way, of course, many of us are recognizing the fact that among our caucus there are people approaching that. Minister, are there any other educational undertakings of this government in planning for Ontario's aging population?

Hon Mr DeFaria: As part of our government's commitment to our growing senior population, we have invested in a wide range of strategies and programs. One example is our guide to advance care planning. This guide is delivered through the Alzheimer's strategy, which invests \$68.4 million in a strategy designed to educate people about the benefits of advance care planning. Through care planning, seniors can communicate to loved ones their wishes about their future care needs.

Additionally, later this fall we'll be launching a guide to programs and services for seniors in Ontario. Both initiatives will provide valuable information in one place about the programs and services that seniors are entitled to.

EDUCATION FUNDING

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. I want to ask you about the stealth cuts that your supervisor is making right here at schools in Toronto.

This morning Dalton McGuinty was at Rippleton public school. There are classes there of 26 and 27 in JK and SK, taught by a single teacher, Mrs Fox. Last year they had an education assistant. This year, thanks to the supervisor's hiring freeze, there is no help for Mrs Fox and all kinds of things have happened to do with the children's safety. In one, a child was vomiting in the JK class. She was unable to help and the child was directed to the garbage can. This child had her head in the garbage can for over half an hour waiting for the teacher to extricate herself from issues with other students.

These cuts are taking place all around Toronto. You told us you would protect children. They're not being protected here in Toronto. Minister, will you stand up in your place and tell us that you'll reverse the cuts your supervisor is undertaking in Toronto schools?

The Deputy Speaker (Mr David Christopherson): Before I call on the minister, there are three members of the government caucus who I would ask to please either take your conversation outside or take your seat. I'd very much appreciate it. Thank you.

Minister of Education.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): The member opposite knows full well that additional money has been given to the Toronto school board this year. In fact, their total funding is projected to increase by \$51.8 million in 2002-03 to nearly 2,000—which is almost \$2 billion. That is an increase of 2.7% over last year. Let's keep in mind that enrolment is remaining relatively stable and is only going up by about 0.6%. There has been additional money provided and I think staff have tried to allocate that money in a way that they think is most appropriate.

1420

Mr Kennedy: On August 28 your Premier said, and I quote from the National Post, "I would certainly not be in favour of reducing services in the classroom as a result of any supervisor going to these boards."

Your supervisor is running these schools, Minister, and you cut \$25 million this year, a total of \$600 million missing from these students. At Rippleton school, Dalton McGuinty saw it first-hand. Here is a parent, Brian Mitchell, at Jackman public school. They had four and a half EAs last year, and they were supposed to have three to start this year. They only have two. They are experiencing the same kinds of issues in their very large classes of 28 and 24.

They're worried for the safety of their children. You're running these school boards. It's your supervisor. You have to take responsibility. Will you commit to restoring the funds so these EAs can be hired and these children can be helped in safety? They're being denied recess; there are all kinds of other issues that have come up. And while you're at it, will you commit to a cap on class size, which you should have done in the first place, to help these kids get a decent education.

Hon Mrs Witmer: The member opposite would like to attribute everything to the supervisor, and he knows full well that is not the case. In fact, the supervisor has

not yet brought forward to us any plan as to how he is going to balance the budget. I would suggest to the member opposite that he needs to remember that this government has made a commitment to education. We introduced a funding formula that was going to provide equality to all the children in the province. Also, we have increased funding, not just for the Toronto school board; we have increased funding for everyone throughout the province.

RED TAPE TO SMART TAPE CONFERENCE

Mr John O'Toole (Durham): Thank you, Mr Speaker. I appreciate the style of the Chair today.

My question is to the Minister of Enterprise, Opportunity and Innovation. As you know, I was one of the founding members of the Red Tape Commission. I had the opportunity to meet with some of the international participants in the Red Tape to Smart Tape conference recently held in Toronto. The people we met were the highest level of leaders from business and state, from Australia, Denmark, France, Italy, India, the Netherlands, New Zealand, Mexico, Scotland, Uganda, US states, as well as many jurisdictions in Canada.

I'm sure you also had the opportunity to meet with the many distinguished delegates who followed your opening remarks, and I must comment on those, at the conference. What lessons did you take from the conference and the delegates with whom you were able to share your precious time?

The Deputy Speaker (Mr David Christopherson): Minister of Enterprise, Opportunity and Innovation.

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): Thank you, Speaker, for getting the name of the ministry right; I appreciate that. And I thank the member for Durham—another incisive question from the member for Durham about the Red Tape to Smart Tape conference. The member for Durham is also a founding member, as I recall, of the Red Tape Commission. Not only that, but the member for Durham played an important role in acting as a moderator at one of the sessions at the Red Tape to Smart Tape conference. In all of that, he continues to serve the people of Durham region very well.

We welcomed more than 280 delegates to this Red Tape to Smart Tape conference in Toronto, people from around the globe: the Minister of Commerce from New Zealand, a member of the Scottish Parliament, a member of the Tasmanian Parliament, British Columbia's Minister of State for Deregulation, the Secretary of the Interior for the state of Florida, the head of the public service and secretary of the cabinet in Uganda.

We learned a couple of important things: first, we are one of the leading jurisdictions—

The Deputy Speaker: Sorry, Minister, time's up. There is a supplementary.

Mr O'Toole: Minister, I know there's much more to be said, and I hope in my supplementary you'll be able to

praise those who participated. At all levels, leaders from politics, academics and civil servants all played a particularly important part in addressing the important issues of over-regulation and red tape. The conference heard of many different examples to improve regulatory design, regulatory implementation; for instance, from the present CEO of the Insurance Bureau of Canada. Participants from the faculty of the Rotman business school and the Harvard Business School as well as the Standards Council of Canada all were exemplary spokespersons for the industries that create jobs in the economy.

The conference truly did document and highlight the achievements of Ontario, and more particularly this jurisdiction sets a high standard around the world for reducing red tape, eliminating red tape and replacing bad regulations with smart tape: regulations designed to make us a competitive economy.

Minister, could you tell my constituents in Durham and other leaders in this province and indeed this country what operators can do and what the best practices are here in Ontario?

Hon Mr Flaherty: We certainly heard that Ontario is a leading jurisdiction in reducing red tape and that there's more to do. We're fortunate to have Mr Gilchrist, the member for Scarborough East, and Mr Frank Sheehan, the former member for Lincoln, co-chairing, as well as the members on this side of the House who are active participants in changing red tape into smart tape in Ontario.

Ontario's Red Tape Commission received a strong endorsement that it's on the right track. We will build on its record. Its record is amazing: more than 1,900 regulations eliminated in Ontario, unnecessary regulations off the books in 1995, relieving the burden on business, particularly small business, in Ontario.

With the introduction of Bill 179, we identified over 400 new legislative amendments to improve government efficiency and customer service, and I hope the members on the other side will support that government efficiency bill, including the member for Kingston and the Islands.

ACCESS TO INFORMATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy. Minister, while hydro consumers watch their hydro bills go through the roof, and while you send them hydro bills that many of them can't understand—indeed, you can't understand the bills themselves—you continue to be focused upon keeping all kinds of secrets from the public. For example, you offer secret information to companies you're trying to entice into buying into Hydro One, information you won't provide to the public. You insist on keeping secret what the liabilities and responsibilities of Ontario rate-payers would be should Bruce Power go out of business. You insist on keeping information about which generating stations are up or down, even though some of your own private sector companies that are involved say it would be a good thing if the public were to know.

Minister, can you tell us why your government is so focused on keeping everything secret while hydro consumers watch their hydro bills go through the roof?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): Many in the energy sector operate in a commercial environment, and we want to ensure that the best interests of not just the consumer but of the shareholder are maintained. The member opposite, during the estimates committee this week, made some requests with respect to the default obligations with respect to Bruce Power and the release with Bruce Power and of course with its relationship to British Energy. I committed to look at the issue and in fact the default provisions of the contract not only have been reviewed by the federal regulator, not only have been reviewed by the Provincial Auditor but in fact that document with respect to default provisions has been disseminated widely in the public.

Mr Hampton: Minister, it works like this: it's the consumers of Ontario—the industries, the small businesses, the farms, the individual homeowners—who are being forced to pay the bill, yet if they want to find out why their hydro bill has gone so high, what's happening in terms of electricity generation, you and your government insist on keeping all of that secret. If they try to find out what your government is doing to try to entice a private sector investor to buy into Hydro One, they're not allowed to see that either.

Again I repeat the question. You're forcing hydro consumers across Ontario to pay hydro bills that they have never seen before, that are outrageously high, yet when they ask questions as to why this is happening, you say it's all a secret. Can you tell the hydro consumers of this province why all of this information that affects their hydro bills has to be kept so secret?

Hon Mr Baird: The member opposite cites three examples, one of which he had talked to me earlier in the week about, and then he continues to use the word "all." I just said that one of the three requests you have made in fact has been in the public domain for some time. So his use of the English language is somewhat a stretch, in my judgment.

On occasion, for commercial reasons and in the best interests of the shareholders, which are the taxpayers, the people of the province of Ontario, there is information that could become commercially sensitive.

With respect to rates, we've had one of the hottest summers in more than 50 years in the province of Ontario. That obviously had an effect on rates, but we saw rates go down in May and June. In fact, we've already seen rates come down in the month of October.

1430

SLOT MACHINES

Mr Monte Kwinter (York Centre): My question is to the Attorney General. Today it has been reported that Premier Ernie Eves has ordered his office to comb through the decisions made in the final days of his pre-

decessor, Mike Harris, to uncover any political bombshells similar to the controversial \$10-million tax break for the province's professional sports teams. We know that one of the last decisions, if not the last, made by the Mike Harris government was to approve the allocation of up to 800 slot machines to Picov Downs. Will you confirm today that this decision will be included in the Premier's review?

Hon David Young (Attorney General, minister responsible for native affairs): I thank the member opposite for his question. He has raised this issue before in the Legislative Assembly. He has chosen to do it again today, and I thank him for raising it.

I will say today what I have said to the member in this assembly before, and that is Picov Downs will proceed through the exact same process that 16 other racetracks have proceeded through in this province. It is my understanding that the Picov Downs application for an increased number of racing days is in front of the Ontario Racing Commission today. I stand to be corrected on that, but that is my understanding. When that process is complete, it will go to the Ontario Lottery and Gaming Commission. They will develop a business case to say whether or not it is appropriate to have one, two, three, 10, 200 machines at Picov Downs, and will make recommendations to the government. We will consider those recommendations when they are presented to us.

Mr Kwinter: On April 19, 2000, Minister Chris Hodgson announced a three-year pause for charity casinos at racetracks in the province. In an interview with Toronto Star's Richard Brennan on June 20, 2000, Minister Hodgson stated that two racetracks, one in Ajax and the other in Belleville, "will not be getting them for three years." He also said that the province will not even entertain requests from racetracks until April 2003 to become full-blown casinos.

We now know that after only two years, the Management Board decision was secretly amended to exclude racetracks from this directive. Although the government had said that they would not even talk about requests until April 2003, the cabinet approved up to 800 slots for Picov Downs. The only track to benefit from this secret amendment was Picov Downs.

Was it proper for Minister Flaherty to accept a contribution of \$80,000 and Ernie Eves to accept a contribution of \$10,000 to their respective leadership campaigns when this issue was before cabinet? And why were the rules changed to accommodate one racetrack?

Hon Mr Young: I will say to you, sir, that the premise of your question is incorrect. I have in my hand a letter from OHRIA, the Ontario Horseracing Industry Association, dated July 21, 2000. The executive director of that organization, Jane Holmes, authored the letter. In that letter—and remember this is a letter from July 2000—she confirmed that the expansion of slot machines at racetracks was not covered by the three-year moratorium. That moratorium related to casinos of various sorts, and that is confirmed by this independent body who issued this letter in a contemporaneous fashion.

Mr Gerry Phillips (Scarborough-Agincourt): How about the minister? Is he independent from all this?

Hon Mr Young: Thank you very much, member from Scarborough-Agincourt, for your assistance.

In terms of the minister, he did in fact make an announcement. I have a copy of the written form of that in my hand. I would be pleased to show it to you, sir. It too makes it very clear that there was a three-year moratorium relating to things like charity casinos and commercial casinos. That moratorium was not to apply to slot machines at racetracks.

The Deputy Speaker: Thank you.

Mr Kwinter: That is absolutely not true.

Hon Mr Young: Here it is.

The Deputy Speaker: Order, both of you.

New question. The member for Mississauga South.

HYDRO RATES

Mrs Margaret Marland (Mississauga South): Thank you, Mr Speaker, and I would like to compliment you on the job you're doing as Speaker.

My question is for the Minister of Energy. I know members in this place have recently heard complaints about the electricity bills for the months of July and August. I don't think there's one of us who hasn't had calls in our constituency offices. Our constituents are shocked at the huge price increases compared to the previous billing period. For example, I have sent the minister a constituent's bill that increased from \$309 in May and June to \$614 in July and August. The energy rate itself rose from 3.9 cents per kilowatt hour to 6.9 cents per kilowatt hour. The separate charges, of course, for distribution, wholesale market service, debt retirement and transmission also increased. Minister, can you explain these enormous increases in our electricity bills and tell us whether there is any relief in sight?

The Deputy Speaker (Mr David Christopherson): Thank you. Minister of Energy.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): Thank you very much, Mr Speaker. I want at the outset to completely agree with the member from Mississauga South. You're doing a great job. Well done.

The government's priority is to have a source of safe, reliable electricity at a reasonable cost to the people of Ontario. We went through the hottest summer in nearly 50 years in the province. I don't think it's fair to take the two hottest months in half a century as the benchmark on demand, but that of course has a major impact on price. As consumers' electricity demands go down, so will the associated cost with respect to transmission and distribution. I noticed in the constituent's case you mentioned that those charges went up as well, a significant increase in their demand. I know, as a consumer, that a lot of electricity was used for air conditioners. Certainly in my home it was no different.

Mrs Marland: Beyond normal conservation practices, which, with respect, I think everybody, even before they

were forced to do that, was certainly aware of, it's not like we have a choice about the use of electricity. It's not one of those commodities we can choose not to consume when they become too expensive. That could be a whole number of things, of course, even the type and year of car we drive.

Affordable electricity is critical to all of us. We're not prepared to go back to oil lamps and horses and buggies. People cannot absorb these increased costs, of this size, all at once. People talk about being on a fixed income. Most people are. Young couples fighting to pay their bills are on fixed incomes. The Premier has emphasized that our government will not tolerate any abuse of the competitive electricity market in Ontario. The Premier recently announced a complete review of the Ontario Energy Board's mandate. Minister, how will this review of the Ontario Energy Board help to ensure affordable electricity for the people of Ontario?

Hon Mr Baird: The member opposite mentioned the market surveillance panel. We have been watching the market very closely to ensure that consumers are protected. The first report of that panel found no evidence, but they'll continue to be vigilant for the consumers of Ontario.

The member opposite sent me an electricity bill. As to that rate, she would be most pleased and interested to know in terms of the sustainability of those high rates that on October 1 the rate was lower than that period, and for October 2, 3, 4, 5, 6, 7, 8, 9, electricity was less expensive than it was in the period of the bill she mentioned.

We are reviewing the Ontario Energy Board because consumers need a cop on the beat, a watchdog, to look out for and protect their interests. It's also tremendously important to have a neutral regulator to balance off the needs and protections of the consumers and the investments that investors in the province make.

The Deputy Speaker: New question?

1440

Mr James J. Bradley (St Catharines): My question is for the Minister of Energy. My constituency office has received an unprecedented number of telephone calls—a deluge of telephone calls—letters, e-mails and faxes regarding outrageously high increases in hydro bills. Let me give you some examples.

Kathy says she cannot afford to pay this month's hydro bill. She is a widow with two children. She says she lives in a small apartment, has a 12-year-old daughter who is handicapped and receives benefits from Ontario Works. Kelly is on disability and cannot afford the increase from \$80 to \$189. When she contacted her local hydro, they said, "Pay up or we'll cut you off." Another example is Nicholas: his last bill, \$197; this bill, \$430.75. His wife is disabled and requires extra care.

All kinds of people are contacting my constituency office. How on earth do you expect them to pay these outrageous and unjustified increases in their hydro bills?

Hon Mr Baird: When we made the decision in the province of Ontario to move forward with bringing com-

petition to our electricity generation system, what that did was that there would be a spot market. Prices would go up on some days and would go down on some days. If we take the first two months, July and August, as the benchmark, the two hottest months in almost half a century, I don't think that's a fair one. If consumers look over the first full year of the market, I think the results will be demonstrably better.

Moving to competition in Ontario has been an important public policy issue. I'd like to read the member a quote: "We believe that there should be deregulation in hydro and we should introduce competition." It was his own leader, Dalton McGuinty, who said that on February 5, 2001.

Mr Bradley: It's all right for the member. He's a smart aleck who gets up with his little answers that are not very helpful to people. That goes over well in here. But as in the case of the member from Mississauga South, these are real people who are suffering, and all they get is a smart aleck answer instead of an answer about what you're going to do about this. You have an opportunity to provide a rebate to these people. Over half the charge is not even for the commodity. Over half is all these special charges and taxes you've put on the bill.

I ask the minister, is he now prepared to provide an immediate rebate—as the member for Mississauga South wants as well—for these people who are having a very difficult time paying these increases, plus many other increases that they're confronted with on a daily basis? These are real people with real problems, and all we get are answers like that. That's not acceptable to my constituents.

Hon Mr Baird: Obviously, the two hottest months led to an increase in the price of electricity in Ontario. That has an effect on families and on small business in the province. That's why we're committed to following through on implementing the rebate as advertised. That's something that is important, to protect consumers through the market power of Ontario Power Generation. That's certainly something with which we'll move forward.

"Rates may very well have to go up. We've been getting a bit of a free ride here in terms of the debt that the now-defunct Ontario Hydro has amassed." That wasn't John Baird who said that; that was your leader, Dalton McGuinty, who said that. You cannot run away from your record. You and your party and your leader strongly supported the introduction of competition in the Ontario marketplace, and by its very nature, on some days prices will go up and on other days prices will go down. The member opposite can't have it both ways and run away from his own voting record and that of Dalton McGuinty and the Ontario Liberals.

EDUCATION FUNDING

Mr Garfield Dunlop (Simcoe North): My question today is for the Minister of Education and Deputy Premier. Since the inception of our student-focused funding

formula in 1998, our government has shown Ontario that the education of our young people is a priority. As the member for Simcoe North, I take comfort in the fact that our funding formula espouses the principles of equality and fairness, because students across the province are treated the same with respect to funding. It is reassuring to know that whether a student comes from Simcoe county, Windsor, Essex, Ottawa, Thunder Bay or Kingston, they receive a quality and equitable education.

Minister, we know that each board has its unique intricacies, and the boards outside urban centres have unique challenges that they face on a day-to-day basis. How does student-focused funding respond to the needs of district school boards in rural and northern Ontario?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'm very pleased to respond to the hard-working member from Simcoe North. He has correctly indicated that the boards in northern and rural Ontario do face some very unique challenges, and I think sometimes we tend to forget that. But I think it's important also to recognize that the government has not forgotten the fact that they have unique challenges. We have been making an extraordinary effort to meet the higher costs of delivering education programs in rural and northern areas.

First of all, let me say our student-focused funding makes provisions under our remote and rural allocation funding. That allocation has actually tripled, from \$40.3 million in 1997 to a projected \$117.6 million for 2002-03. So we are definitely investing more.

I would also add that unfortunately we continue to see a drop in the number of students enrolled in these schools, and so we're also giving them extra money for transportation.

Mr Dunlop: Thank you very much, Minister. You just started to touch on the next portion of my question, which deals with the issue of declining enrolment in many school boards across our province.

How will you assist the many school boards in Ontario that are facing a decline in the number of students who attend their schools? I understand that the ministry's own projections are that enrolment will continue to decline over the next few years. I know that school boards are concerned about losing revenue when enrolment declines, because not all costs change when a school loses students. How does student-focused funding address this problem?

Hon Mrs Witmer: Our government actually established a declining enrolment working group in order that we could address that whole issue of declining enrolment, which, as I indicated before, is a very serious issue for northern and rural school boards.

There were meetings with stakeholders in the fall of 2001. We took a look at how you address the gap between the revenue lost because of a loss of students and also the board's ability to reduce the costs. Obviously you can't immediately reduce costs. So what the group did was to recommend a declining enrolment adjustment that actually gives a school board two years to

reduce costs in keeping with its reduced enrolment. We have now top-up funding which allows boards to continue to operate schools that are not at 100% capacity by adding a top-up by as much as 20%.

SCHOOL CLOSURES

Mr Rosario Marchese (Trinity-Spadina): A question to the Minister of Education: Minister, you promised only trustees could close schools in those boards which you have taken over. But that is not the case. Today, your Ottawa supervisor is holding a board meeting. He has invited trustees and the public to bear witness to a motion to close three schools. The supervisor, His Excellency, is the only one who can vote on that motion—not the trustees elected by the people; just your supervisor. Are you going to tell him, Minister, that he can't close those schools in Ottawa, as you promised?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): It is truly regrettable that three school boards in the province of Ontario chose not to obey a law that has been on the books since 1933 and balance their budgets.

Yes, normal practice would be that trustees would be making decisions about school accommodation. We all know that these communities have growing populations; there's a need for new schools. We also know that these communities have, unfortunately, some areas where they're seeing a decline in population. We're certainly seeing that in Ottawa.

Unfortunately, when these trustees made the decision not to balance their budgets, they also abdicated all of their responsibility and their ability to make any decisions influencing school accommodations.

Mr Marchese: Minister, I just want to read for the record. On October 1, in response to a question, you said that "the decision about which schools are going to close and which new schools are going to be built to accommodate growth in different parts of a school board catchment area ... are decisions that will be made by the school trustees."

You go on to say, "The role of the supervisor, however, is to develop a plan that will allow for those boards to balance their budgets."

You said that only trustees could close those schools. We have a motion tonight that I can send to you, in case you doubt it, that will move to close Putman, Lakeview and Richview public schools. It's before the board. The supervisor is the board. He's the only person who can vote, not the trustees.

I'm saying to you, Minister, you've got to honour your promises, because that's what you said. Will you tell us now that no supervisor in Hamilton, Toronto or Ottawa can close a single school? Will you do that?

Hon Mrs Witmer: The supervisors in each one of the three areas are now in a position where, unfortunately, because the boards did choose to abdicate their power, the supervisor is taking a look at accommodation. I understand that the supervisor is looking to put in place a

very comprehensive accommodation review and will be making recommendations and decisions in accordance with that review.

1450

BUSINESS OF THE HOUSE

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): As the House leader indicated, I'd like to give the business of the House for next week. Pursuant to standing order 55, I have the statement of business of the House for next week.

On Tuesday afternoon we will debate Bill 60. Tuesday evening's business will be debate on Bill 181.

On Wednesday afternoon we will debate Bill 151. On Wednesday evening we will debate Bill 179.

On Thursday morning during private members' public business we will debate ballot item 61, standing in the name of Mrs Marland, and ballot item 62, standing in the name of Mr O'Toole. On Thursday afternoon we will debate Bill 175. Thursday evening's business is to be determined.

PETITIONS

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is a petition to the Legislative Assembly of Ontario. It deals with the multi-laning of Highway 69 between Sudbury and Parry Sound.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas, in the last three years 46 people have died; and

"Whereas so far this year there have been 10 people who have been tragically killed on that highway; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I affix my signature and give it to Jonna to bring to the table as part of the 20,000-signature petition.

ADOPTION DISCLOSURE

Ms Marilyn Churley (Toronto-Danforth): I have hundreds of signatures in support of adoption disclosure reform. The petition reads:

"To the Legislative Assembly of Ontario:

"Whereas in Ontario, adopted adults are denied a right available to all non-adoptees, that is, the unrestricted right to identifying information concerning their family of origin;

"Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child;

"Whereas these rights are denied to persons affected by the secrecy provisions in the adoption sections of the Child and Family Services Act and other acts of the province of Ontario;

"Whereas research in other jurisdictions has demonstrated that disclosure does not cause harm, that access to such information is beneficial to adult adoptees, adoptive parents and birth parents, and that birth parents rarely requested or were promised anonymity;

"We, the undersigned, petition the Legislature of Ontario to enact revision of the Child and Family Services Act and other acts to permit adult adoptees unrestricted access to full personal identifying birth information; permit birth parents, grandparents and siblings access to the adopted person's amended birth certificate when the adopted person reaches age 18; permit adoptive parents unrestricted access to identifying birth information of their minor children; allow adopted persons and birth relatives to file a contact veto restricting contact by the searching party; replace mandatory reunion counselling with optional counselling."

I affix my signature to these petitions.

LONG-TERM CARE

Mr Tony Ruprecht (Davenport): I have a petition to the Parliament of Ontario. It reads as follows:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and ...

"Whereas according to the government's own funded study, Ontario ranks last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and ...

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We the undersigned petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

Since I agree, I have signed this petition as well.

Mr Gerard Kennedy (Parkdale-High Park): To the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month;

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and comfort in this province;

"We the undersigned petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I gladly put forward this petition signed by hundreds of residents in my own riding and add my own signature.

COMPETITIVE ELECTRICITY MARKET

The Acting Speaker (Mr Bert Johnson): The member from Sault Ste Marie, I missed you on the last rotation. The Chair recognizes the member for Sault Ste Marie.

Mr Tony Martin (Sault Ste Marie): Apology accepted.

"To the government of Ontario:

"We, the undersigned residents of Ontario, recognize that,

"(1) Electricity rates in deregulated, private, for-profit markets such as Alberta and California fluctuate wildly in price and supply and are much higher-priced than in comparable public power systems;

"(2) Deregulation in California caused more blackouts than Ontario has suffered from ice storms or other natural disasters while public power has protected us from market fluctuations in supply as well as price;

"(3) At-cost electricity has helped build and support Ontario's economy, while deregulation would destabilize the economy, with soaring rates, reduced reliability and increased production costs leading to plant closures, job loss and economic decline;

"(4) Soaring electricity rates would put a significant burden on school boards, hospitals, public transit and other public services which cannot afford to pay double for their electricity;

"(5) Seniors and other members of our communities on fixed incomes would be hard-hit by increasing rates, and the living standards of millions of Ontarians will be harmed;

"(6) Privatization will trigger NAFTA provisions, making it practically impossible to reverse this dangerous experiment and would cost us Canadian control over electricity;

"(7) Privatization, deregulation and loss of sovereignty would close the door on public accountability of the industry in regard to environmental safety and energy security concerns; and

"(8) An alternative exists in the form of a truly accountable, transparent and affordable publicly owned and controlled system operated at cost for the benefit of all Ontarians;

"Therefore, we demand that the Ontario government immediately halt the planned privatization, sell-off and deregulation of the public electricity system."

I sign my name to this and I'll give it to Philip from Oshawa to bring to the table.

1500

RICK KERR

Mr John O'Toole (Durham): I just want to comment that last night I had the privilege of standing beside the president of Durham College, Gary Polonsky, and the chair of the board, Bob Strickert, and met the Queen on behalf of the new University of Ontario Institute of Technology.

I have a petition from the college to the Legislative Assembly of Ontario.

"Whereas Rick Kerr has distinguished himself as a dedicated member of Durham College through 25 years of service; and

"Whereas his commitment to student success and professionalism has set him out as an outstanding example for Ontario's college education sector; and

"Whereas his nickname of 'Captain KPI'—that means key performance indicators—"should in no way

diminish his accomplishments of organizing program mapping when no one else would; and

"Whereas Rick's proficiency as a squash player and his status as the most physically fit person on campus has earned him only passing glares; and

"Whereas his commitment to student fashion has made the police foundations program clothing order an international event for the textile industry; and

"Whereas the Kerr family has an outstanding reputation in the community for teaching, and Rick also teaches;

"We, the undersigned, petition the Legislative Assembly of Ontario to recognize Rick Kerr's long service and dedication to the Durham College community as follows:"

There are a number of petitions, and the member from Bramalea-Gore-Malton-Springdale has presented this on his behalf as well.

EDUCATION FUNDING

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the member for Hastings—

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Frontenac—

The Acting Speaker: —Frontenac-Lennox and Addington.

Mrs Dombrowsky: Very good. Thank you, Speaker.

To the Legislative Assembly of Ontario:

"Whereas the funding for school boards is now based on the student-focused funding legislative grants for the 2001-02 school board fiscal year;

"Whereas the Hastings and Prince Edward District School Board is in a period of declining enrolment, a trend that is projected to continue over the next five years;

"Whereas application of the student-focused funding" formula "... does not allow sufficient funding to the Hastings and Prince Edward District School Board for secretarial support in schools, principals and vice-principals, transportation or school operations;

"Whereas costs in these areas cannot be reduced at the same rate as the enrolment declines;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To reassess the student-focused funding legislative grants for the 2002-03 school board fiscal year to provide additional funding for those areas where funding is insufficient and to adjust ... student-focused funding legislative grants to address the situation of declining enrolments faced by the Hastings and Prince Edward District School Board and other boards in Ontario."

I am very pleased to sign this petition.

CHILD CARE

Ms Shelley Martel (Nickel Belt): I have petitions sent to me by East Toronto Village Children's Centre, Rosalind Blauer Child Care Centre at Brock University

and Lincoln Alexander Children's Centre in Hamilton. They read as follows:

"Whereas 70% of Ontario women with children under age 12 are in the paid workforce;

"Whereas high-quality, safe, affordable child care is critical to them and their families;

"Whereas the Early Years Study done for the Conservative government by Dr Fraser Mustard and the Honourable Margaret McCain concluded quality child care enhances early childhood development;

"Whereas this government has cut funding for regulated child care instead of supporting Ontario families by investing in early learning and care;

"Therefore, be it resolved that the Ontario government adopt the NDP's \$10-a-day child care plan and begin implementation by reducing full child care fees to \$10 a day for children aged two to five currently enrolled in regulated child care by providing capital funds to expand existing child care centres and build new ones, by funding pay equity for staff and by creating new \$10-a-day child care spaces in the province."

I agree with the petitioners, and I have affixed my signature to this.

LONG-TERM CARE

Mr John Gerretsen (Kingston and the Islands): I have a petition that's signed by many Ontarians, which I'm compiling on a daily basis, who are concerned about the level of long-term care in this province. It's addressed to the Legislative Assembly of Ontario.

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and comfort;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I agree with the petition, I've signed it accordingly and I'm now handing it over to Megan to take to the table.

AMBULANCE SERVICES

Mr James J. Bradley (St Catharines): My petition is to the Legislative Assembly of Ontario.

"Whereas the Ontario Conservative government hastily amalgamated Niagara's ambulance dispatch service into the Hamilton Central Ambulance Communication Centre;

"Whereas an independent review of Hamilton's Central Ambulance Communication Centre found several major shortcomings, including inexperienced dispatchers, high call volume and out-of-date equipment, hindering the dispatch of ambulances in Niagara and in other parts of the province;

"Whereas poor training of Central Ambulance Communication Centre dispatchers by the Ministry of Health and Long-Term Care has led to improper emergency coding, resource misallocation and waste and increased wait times for those requiring ambulance services;

"Whereas the Central Ambulance Communication Centre dispatchers are handling 1,300 more calls a year than recommended by the Ministry of Health and Long-Term Care;

"Whereas these shortcomings in ambulance service restructuring are putting lives at risk in Niagara, Hamilton and throughout the province; and

"Whereas two regional coroners' investigations and a Ministry of Health investigation have been conducted in the Niagara region to investigate three deaths allegedly caused by the improper dispatching of an ambulance;

"We, the undersigned, petition the Legislative Assembly of Ontario to act immediately upon recommendations presented in the independent review of the Central Ambulance Communication Centre and eliminate the grievous imperfections which are placing our citizens at risk."

I affix my signature; I'm in agreement.

ORDERS OF THE DAY

LEGAL AID SERVICES AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES SERVICES D'AIDE JURIDIQUE

Mr Young moved second reading of the following bill:

Bill 181, An Act to amend the Legal Aid Services Act, 1998 / Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique.

The Acting Speaker (Mr Bert Johnson): We will start with leadoff times for debate. The Chair recognizes the Attorney General.

Hon David Young (Attorney General, minister responsible for native affairs): Thank you, Mr Speaker, and with your permission, sir, I would like to divide my time with the member for Nipissing.

A free and democratic society depends on everyone having access to justice. Specifically, the Charter of Rights and Freedoms states that everyone has the right, if they are arrested, to retain and instruct counsel without delay. This government takes that very seriously. Justice is best served when there are supports in place for people in the justice system.

The Ontario government takes seriously its responsibility to provide for the proper administration of justice in this province. That is why we have introduced the Legal Aid Services Amendment Act, 2002.

Mr Peter Kormos (Niagara Centre): On a point of order, Speaker: I don't believe there's a quorum.

The Acting Speaker: Would you like me to check and see?

Mr Kormos: Yes, sir.

The Acting Speaker: Would you check and see if there is a quorum present?

Clerk Assistant (Ms Deborah Deller): Quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant: Quorum is now present, Speaker.

The Acting Speaker: The Chair recognizes the Attorney General.

1510

Hon Mr Young: Thank you. For the member for Niagara Centre who rose and asked whether or not there was quorum here, he left immediately thereafter—oh, I see he's now returning. So just for his edification, there is now a quorum. Thank you for assisting us in that regard.

If passed, this bill would provide Legal Aid Ontario, the agency that administers legal aid in this province, with increased flexibility—flexibility to ensure that legal representation is available to low-income and vulnerable people across this great province.

First, this legislation would ensure that Legal Aid Ontario is in a position to hire significantly more salaried lawyers to provide legal aid services. Second, it would ensure that Legal Aid Ontario is in a position to hire qualified lawyers and law firms on a contract basis to do legal aid work in a given community. Finally, it would ensure that Legal Aid Ontario is in a position to expand the role and responsibilities of existing duty counsel.

I want to be clear about what we envision with this bill and what we do not. Under this legislation, Ontario would not, and I want to emphasize, be moving toward a system based entirely on staff lawyers, the so-called public defender system. Rather, we envision a system where there is a balance in the way that legal aid services are delivered to the people who are entitled to receive that service. It would be a mix of the judiciary system,

which currently exists across this great province, and a system of staff lawyers.

This mixed system of delivering legal aid services isn't new. It has been tried elsewhere, including the provinces of Manitoba and Quebec, and it has proven to be successful in both of those provinces. In fact, Gerry McNeiley, the executive director of legal aid in Manitoba, told CBC Radio last week that a mixed delivery model has worked very well in that province.

With your permission, I will quote from Mr McNeiley: "In Manitoba, since the inception of legal aid in 1972, we've had the mixed delivery system. I think it's ingrained here. I think the private bar is pleased with it. They provide about 60% of legal aid work via certificates; staff provides about 40%." Mr McNeiley also said that a mixed delivery system allows for choice of counsel.

If I may continue to quote Mr McNeiley, he said that "that's the good thing about the system and its choice of counsel.

"So if you have a choice of a private bar lawyer because you've heard about him or her, or similarly you've heard about a staff lawyer...," the system that we're proposing, like the system that exists in Manitoba, provides legal services in that particular area that you need.

Mr McNeiley went on to talk about how that works there and it could work in certain jurisdictions—in certain parts of this province here as well.

Quebec has roughly a 50-50 apportionment. That's a 50-50 split between private bar and staff lawyers for criminal cases. Both Quebec and Manitoba have had their mixed systems in place for well in excess of three decades. As a result, legal representation is available to people in need in those provinces and services are being provided in a cost-effective manner.

I want to emphasize that "cost-effective" does not equate with inferior quality of legal services. Comparative studies have shown that there are no inherent cost differences between private-based systems and mixed systems. There is no difference in quality of services provided or in the client satisfaction that is experienced.

It's helpful, I believe, to look at the work of Professor Zemans and Professor Patrick Monahan, both of Osgoode Hall Law School, who co-wrote a report in 1997, a report recommending that Ontario look seriously at the Manitoba model, the model I referenced a moment ago.

Professor Zemans spoke to the CBC last week and said that "all the studies show that in fact client satisfaction, rates of guilty pleas, rates of incarceration do not significantly change under a mixed delivery scheme." He also said that, "it's also important to point out that in Ontario we've had a mixed delivery system in civil legal aid going back to the early 1970s."

The Ontario clinic system is considered internationally to be one of the very top models for delivering legal services to poor people. We now have seen in recent years the increase in use of community-based clinics with community boards for clients in Ontario spreading.

I think what we need to see in Ontario is more experimentation, more willingness to try out different models, models that have worked in other jurisdictions, models on the criminal side in particular in the delivery of legal services.

I'd like to reference another study of note, one that deals with the issue that we're here to debate today. It's one authored by Professor Alan Young, also of Osgoode Hall Law School. Professor Young wrote a report at roughly the same time as the report I previously referenced, which was entitled *Legal Aid and Criminal Justice* in Ontario, in which he states that virtually every study has concluded that a mixed model of legal aid delivery is the path to take. I'll repeat that because I think it is of great import. He concludes that virtually every study has concluded that a mixed model of legal aid delivery is the path to take.

The experience in other provinces, such as Manitoba, also shows that mixed legal aid systems have few problems in hiring salaried lawyers. The advantages for legal aid lawyers are obvious. They have steady incomes, no overhead costs, and they don't have to manage an office and attract new business.

Here in Ontario, Legal Aid Ontario began a pilot project two years ago in which family law staff offices were opened in Thunder Bay and Toronto and there was an office in Ottawa as well. The pilot was recently evaluated and has been determined to be a success.

I want to be clear that if this bill is passed, the responsibility for administering the legal aid system in this province would still remain with Legal Aid Ontario. That is an independent agency and it would remain an independent agency. The source of funding for legal aid lawyers, private staff and duty counsel would also remain the same: Legal Aid Ontario.

No one suggests that private legal aid lawyers, who are paid through publicly funded certificates, are in any way influenced or beholden to the crown. I would expect that staff lawyers would be just as independent. They would be responsible to Legal Aid Ontario and of course to their clients, not to the government.

Neither is there any reason to expect a two-tier system that some have talked about. That has simply not been the case in other provinces. In provinces where there is a mixed system in place, that experience simply hasn't been had. Moreover, study after study has concluded that private lawyers and staff legal aid lawyers can both provide high-quality legal aid services.

Nor would this legislation, if passed, take away an individual's right to choose counsel. The bill is designed to have the opposite effect. It would restore legal aid services in communities that are affected by boycotts. It would provide Legal Aid Ontario with the flexibility to ensure that legal aid services would be available to everyone in need in a timely manner. In communities that did not have lawyers available, a staff office would be established. In other instances where Legal Aid Ontario deemed it appropriate to establish a staff office to ensure that proper representation was provided, that would occur as well.

As many are aware, our current system has been facing major disruptions in some areas of the province. The current legal aid system has effectively given the private bar a monopoly. Some legal aid lawyers have viewed this monopoly as a bargaining chip. Some have withdrawn their services in the hope of getting more pay. As a result, getting legal counsel has become more difficult, if not impossible, depending upon where you live in the province of Ontario.

1520

In fact, what began as a dispute with the government over hourly rates has escalated into a much larger dispute, one that could indeed damage the administration of justice. There is an unacceptably large number of legal aid lawyers who are motivated by personal interests in some communities. I say to you that lawyers—and the vast majority of lawyers do understand this—must be serving the interests of their clients first and foremost. The disruptive tactics that some lawyers—and I emphasize “some” lawyers—in some communities have used to make their points, I believe, are not acceptable. These tactics include shutting down our courts, refusing to take new clients, and pressuring low-income clients to pay on a cash retainer basis.

Mr Kormos: Not the case. Be fair.

Hon Mr Young: These are tactics that I abhor. I am sure many other people share my feelings. And for the member from Niagara Centre, when I resume my seat, I will provide him with a letter from the president of the Criminal Lawyers' Association which enumerates certain measures, and he can be the judge of that.

Legal aid lawyers who are participating in ongoing work stoppages are not serving the interests of justice. They are not protecting the rights of those in need. Let's be clear: the legal aid system does not exist simply for the benefit of lawyers. It exists to protect the rights of those in need. Let's remember that those in need are frequently the most vulnerable individuals in our community: men, women and children across this province who are often involved in painful family court cases.

The current dispute is in fact making vulnerable people even more vulnerable, because they can't get legal representation. They can't find counsel. In some communities, groups of criminal lawyers have refused to represent individuals accused of serious crimes or violent crimes. This has placed judges in an awkward position; indeed, an impossible position. Judges have been asked to choose between granting the rising wage demands of defence lawyers or allowing those accused of criminal offences to walk free. I say to you, this is simply unacceptable. It is indeed counter to the interests of justice and the interests of public safety. If prosecutions cannot go forward, public safety may be put at risk. Victims may be revictimized. People may have to navigate the justice system without the benefit of some legal advice.

I do not believe that most lawyers in this province support these tactics. I believe the tactics I have discussed this afternoon do nothing but damage the public confidence in the justice system.

As I said a moment ago, this dispute began over pay rates for legal aid lawyers across the province. This dispute, however, has no underpinning. Ontario legal aid lawyers are among the highest paid in the country. They were well paid for their services even before the recent increase in the legal aid tariff. If the members will recall, our government raised the rate for certificate lawyers by 5% on August 1 of this current year, and we raised the duty counsel rate at the very same time by 23%.

Despite the tariff increase, some legal aid lawyers have continued with work boycotts and other forms of disruptive activities. They support their argument by pointing to the disparity between the legal aid tariff and the market rates for their services. Well, the legal aid system was never intended to be a private lawyer's sole means of income. In fact, the legal aid system has always had a pro bono element to it. The legal aid system has always been, and will continue to be, a public service for those in need.

Our government is committed to strengthening our legal aid system. Indeed, we are committing to strengthening the legal aid system, period, and the legal system across this province. We have required more crown attorneys to that end. We have appointed more justices of the peace. More judges have been appointed. We have also—and I want to emphasize this because I think it's important for many of those who are watching—expanded the rights of victims and passed new laws to protect the public.

The Legal Aid Services Amendment Act is another step forward. It's another step toward achieving our goal of a stronger, more efficient justice system. If this bill is passed, Legal Aid Ontario would have increased flexibility to establish a balance in the way legal aid services are provided across this great province. Make no mistake about our intentions: we cannot, and we will not, allow economically motivated tactics to interfere with public safety and the prosecution of accused individuals. Everyone in Ontario must continue to have access to justice. It is time for legal aid lawyers to end their disruptive tactics. It's time for them to fulfill their professional duties. It's time for the justice system to get back to work.

Our government is committed to protecting the administration of justice. We are equally committed to protecting the right of people to have counsel when they need it.

I take this opportunity to urge all members of the Legislative Assembly of Ontario to support this very important bill.

Mr AL McDonald (Nipissing): The Legal Aid Services Amendment Act, 2002, is an important and necessary piece of legislation that will improve access to justice in this province. Access to justice is one of the foundations of a free and democratic society. Unfortunately, getting legal counsel has become more difficult, depending on where you live in Ontario. As many in the House are no doubt aware, legal aid lawyers in several communities have been engaged in a series of disruptive

tactics that seem to be motivated by economic interest and not by the interests of their clients.

The Ontario government has a responsibility, in fact a moral and legal obligation, to provide that high-quality legal advice is available to people in need. Ontario legal aid lawyers are among the highest paid in the country. Our government raised the legal aid tariff by 5% on August 1 of this year. Despite this, some legal aid lawyers have continued with work boycotts and other disruptive tactics. They're pointing to the disparity between the legal aid tariff and the market rates for their services as justification for their actions. There is no excuse for disrupting the justice system by attempting to shut down the courts.

But in any event, the rationale advanced is not cogent even in its own terms. The legal aid system was never intended to be a private lawyer's sole means of income. The legal aid system has always been, and will always continue to be, a public service for those in need. The current legal aid system in this province is set up in such a way that the private bar has a near monopoly. The disruptions compromise the integrity of the legal process and the due administration of justice.

To ensure that the interests of justice continue to be served, our government is proposing to amend the Legal Aid Services Act. The purpose of this amendment is to achieve a balance in a way that legal aid services are provided in this province. The legislation would, if passed, place various tools or options at the disposal of Legal Aid Ontario. These options would include hiring more staff lawyers, expanding the role of duty counsel and contracting out work to private lawyers and law firms. Legal Aid Ontario, the provincial agency responsible for administering legal aid services, established a pilot project two years ago in which family law offices were opened in Thunder Bay, Ottawa and Toronto. The evaluation of this pilot has determined that the mixed system was a success.

1530

In Canada, legal aid is provided through separate legal aid plans in each of the provinces. Though each provincial and territorial government has developed its own legal aid scheme, three general models have been adopted: (1) the staff system, (2) the judicare system, and (3) the mixed system. Several provinces either rely almost completely on staff lawyers or on a mixture of staff and private counsel.

I'd like to use this time to take a look at what other provinces are doing so that the members of the House can see where Ontario is going and how our direction compares to other legal aid plans in other parts of Canada.

The staff system: under the staff system, a legal aid plan directly employs lawyers to provide legal aid services. Newfoundland and Labrador, Prince Edward Island, Nova Scotia and Saskatchewan have adopted this approach. In staff systems, the private bar may still be used when circumstances warrant—for example, if there's a conflict of interest or if staff lawyers are unavailable.

The *judicare* system: New Brunswick, Ontario and Alberta are the only provinces that have primarily *judicare* systems or private bar systems, although there are circumstances where there are staff lawyers available.

The mixed system: a mixed system is a combination of the *judicare* and staff systems, and utilizes both private and staff lawyers in the provision of legal services. The legal aid plans in Quebec, Manitoba, the Northwest Territories, Nunavut and the Yukon operate mixed systems of legal aid. In most of these jurisdictions, the client has the right to choose counsel, either staff or private, from a panel of lawyers providing legal aid services.

The mixed models have proven track records of providing high-quality legal services to clients. This is the type of system that Legal Aid Ontario would deliver if Bill 181 is passed.

In Manitoba, the Legal Aid Society of Manitoba was established in 1972 and is responsible for the administration of legal aid services in that province. Similar to Ontario, it is an entity governed by an independent board of directors whose members are appointed by the provincial government.

In a mixed-service model such as Manitoba, the legal aid program provides formal representation in areas of criminal, family and poverty law. The program also represents groups in cases of public interest. When a client applies for legal aid in Manitoba, they can request a specific private bar lawyer. The plan will usually send the certificate to that lawyer, if the lawyer is available and willing to accept the certificate. If the applicant does not specify a lawyer, the plan will usually assign a staff lawyer.

Legal Aid Manitoba provides legal advice to individuals who appear in court but do not have a lawyer acting for them. This service is available in criminal, youth and some child welfare courts. Legal aid offers duty counsel services in approximately 50 communities in Manitoba. Staff lawyers provide 95% of these services.

Staff lawyers, private lawyers mandated by Legal Aid Manitoba or paralegals provide legal advice to individuals who are arrested outside of regular business hours. This service usually is provided over the phone and is available from 4:30 pm to 8 am.

In Quebec, the first legal aid services emerged in Quebec in the early 1950s as an initiative of the bar section of Quebec City. During the following years, the Quebec government and the bar of the province of Quebec signed agreements relating to the provision of legal aid services. In 1972 the Quebec Legislature passed the Legal Aid Act, which in turn established the legal services commission. The commission has the authority to establish legal aid centres and currently has 11 regional and two local centres overseeing the delivery of services in 128 legal aid offices. Each regional and local centre is governed by its own board of directors, whose members are nominated by the commission.

The commission operates a mixed *judicare*-staff model. Clients can be represented by the private lawyer

of their choice, if they are available; otherwise they are represented by staff lawyers.

Legal aid is provided for a range of civil and criminal cases, including criminal charges involving indictable offences, family cases, youth protection, young offenders and income security matters.

Staff lawyers provide duty counsel representation at all criminal, administrative and family court locations across the province. Only summary legal assistance is provided through duty counsel representation.

Mr Kormos: On a point of order, Speaker: Quorum call, please.

The Acting Speaker: Would you check to see if there's a quorum present?

Clerk Assistant: A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant: A quorum is now present, Speaker.

The Acting Speaker: The Chair recognizes the member for Nipissing.

Mr McDonald: Thank you, Mr Speaker. I'll continue.

If the Legal Aid Services Amendment Act is passed, Legal Aid Ontario would be taking advantage of the strengths offered by both staff and fee-for-service lawyers to provide effective legal aid services.

As I said before, the current legal aid system grants private bar lawyers a monopoly on the provision of legal aid services in the areas of criminal and family law. The proposed legislation will help Legal Aid Ontario to ensure the stability and sustainability of the system. This is a very important point. We are committed to providing access to justice for all Ontarians. The legal aid system must protect the rights of those in need. It must also be able to prevent disruption of the system.

1540

The proposed legislation would allow us to meet our obligations and responsibilities to ensure that everyone's right to legal representation is protected. Legal Aid Ontario would be given the tools to achieve a balance in the way services are delivered, including hiring more staff lawyers, expanding the role of duty counsel, contracting out work, and reducing the total reliance on the private bar.

As I said earlier, the mixed model that uses staff lawyers is operating elsewhere in Canada and works well to ensure high-quality and cost-effective services. The private bar would continue to perform a significant part of service delivery in the areas of family and criminal matters.

Interjection.

Mr McDonald: I'm sure that the member from Niagara Centre is very interested in this, although the member will know that in the north we allow individuals to speak without trying to interrupt them.

Our proposed legislation will simply expand the methods of service delivery and broaden options available to clients. We believe that the mixed system is the best way to achieve a balanced legal aid system. It is the best way—and the member from Niagara Centre knows

this—to ensure everyone in Ontario has access to justice. I urge all members to support this bill.

The Acting Speaker: Further debate? Comments and questions?

Mr George Smitherman (Toronto Centre-Rosedale): I listened as carefully as I could on a Thursday afternoon to the two members who spoke. I don't mean to be too uncharitable, but I wish the members opposite would at least try to lift their remarks up off the page. If they have totally rejected the tradition in this Legislature of speaking without every word being written text, they could at least try to animate.

Interjection.

Mr Smitherman: I don't even think you're in your seat, to be heckling me.

I would say that the most interesting part about it is that the minister had an hour to speak, chose to use only 18 minutes, but wants to interrupt my two minutes, which says a lot about him.

The constituents of Toronto Centre-Rosedale want to know, need to know that when there is a requirement for them to have some legal support because they can't afford to pay for it themselves, that is there. This government's solution to bring this bill forward to address a problem is no solution at all. First, they have made a very challenging situation much worse, and the decline in quality represents and reflects the decline in care and concern that they have for those folks who can't afford to pay their own legal bills and therefore cannot afford to properly access the justice system in our province.

For those folks who are needing help to enforce orders against spouses or to deal with important matters like whether they can maintain care over their children, they're better than the suggestion that this minister opposite, this government offers: that they can simply be thrown into some lowest-common-denominator edge of the justice system where the most lowly paid and arguably the most lowly skilled lawyers will be plying their trade. My constituents demand and deserve better than to be subjected to this two-tier, lowest-common-denominator system that will make sure that my constituents stand up in courts of law with representation that is inadequate to the test that justice demands.

It's a lousy bill. I'll be voting against it.

Mr Kormos: I endured both of those speeches, one from the Attorney General and his colleague the member from Nipissing—

Interjection.

Mr Kormos: I did. Young pages here suffered through them. Staff in the Hansard room winced. This is the shameful state of affairs here at Queen's Park because, you see, you've got the leadoffs, where the Attorney General has an hour to argue on behalf of his bill, and he used how many minutes?

Interjection: Eighteen.

Mr Kormos: Eighteen, bolstered by a scripted member from Nipissing, oh, so faithful, like that old RCA Victor ad. You know, the dog, "His Master's Voice."

I know the Liberal critic is going to utilize his full hour on his feet because he has some skills in that regard. He's going to show you how to stand up for an hour condemning this bill all by himself. He's not going to wimp out and call upon his colleagues, "Take half my time," or, "Take a quarter of my time." No, the Liberal critic is going to stand up here for an hour and keep people riveted to their television sets and explain to them why, I presume, the Liberals aren't supporting this bill.

Then I'm going to have my chance and I'm going to be speaking for an hour—I'd speak for an hour and a half if I could—because then we can start correcting the misinformation delivered by this Attorney General. I will read into the record the letter from the Criminal Lawyers' Association to its membership, which will demonstrate the Attorney General to be less than accurate in his interpretation of that letter. We'll talk about real people and we'll talk about the fact that what this bill cries out for is committee hearings.

Attorney General, stand up and tell us in the province that there will be three or four weeks of committee hearings, four or five days a week, here in Toronto and across the province. We could get this bill passed for second reading for that purpose today.

Hon Frank Klees (Minister of Tourism and Recreation): Members opposite have very bad taste, because if they didn't recognize good speeches when they heard the Attorney General and the member for Nipissing, it is getting late in the day.

The truth of the matter is that they have articulated a message the people of this province will hear, understand and support. Not surprisingly, the members of the opposition don't understand how important it is that people who can't afford to pay a high retainer to get a lawyer to act on their behalf can't find lawyers. It's not easy to understand at all, is it? I think members on this side of the House know what it's like to have constituents come, frustrated, whether it be to deal with a support case that is frustrating the entire family and disrupting their lives, and lawyers are playing games with their lives and livelihood.

What the Attorney General is trying to do here is come to the aid of common folk in this province who need his help to get this issue of legal aid dealt with once and for all, so I commend the Attorney General, and I thank the member for Nipissing for having articulated so effectively how important this is for his constituents. I would think that before all the debate is done members opposite will listen carefully. I know the member for St Catharines, being as common sense a person as he is, will support this. We're going to listen to what he has to say because we know he'll do the right thing. His constituents will expect him to do that.

Mr James J. Bradley (St Catharines): There's no question that there are going to be constituents of ours who are going to have to have the services of lawyers in this province to defend themselves against the outrageous increase in hydro bills that we've seen over the last while. The problem is that many of the people who are at

the lowest end of the income strata are individuals who are going to need the services of lawyers. They're going to need some people who are prepared to defend them, and I say to members of this House that when they come to me and want me to defend them, I'm happy to do so. In some cases, those who have had a 500% increase in their hydro bills may want to enlist the services of a lawyer and they don't want to have to pay the top premium price when they are people who are at the lower end of the income scale.

I'm going to find it interesting as well as I circulate the speeches today to members of the Lincoln County Law Association, many of whom have been strong supporters, not only with their votes but with cheques they have sent along to the Progressive Conservative Party. So they will indeed be interested in the attacks that are taking place now on members of the legal profession. I know that the members of the government will want to be careful in the wording of their speeches in this House because of that, because—

Interjection.

Mr Bradley: Try to characterize themselves for the people, I know.

As I say, I sometimes go down the list—fortunately it's listed—of those who make donations, and a lot of them have been members of the Lincoln County Law Society. So I will be happy to send them the speeches of the Attorney General and other members of the government who are now denouncing the members of the legal profession.

1550

The Acting Speaker: The Attorney General has two minutes to respond.

Hon Mr Young: Thank you very much, Mr Speaker, and I not only thank you, sir; I thank the member from Toronto Centre-Rosedale, the member from Niagara Centre, the member from Oak Ridges and, most recently, the member from St Catharines.

I think that somewhere along the line, the Liberals and the New Democrats have once again lost sight of what is important to the people of this province. They are not at home with a stopwatch, timing the speeches in this Legislative Assembly. They do not decide who they are going to vote for in due course based upon how long someone stands up and filibusters. They, sir, expect the people in this great assembly to respond when there is a problem in their community, to take action to prevent other problems from occurring; and that's what we're doing.

We're not here to defend one group. The member from St Catharines talks about groups of lawyers. We're not here, sir, to downgrade lawyers or to prop them up. What we're here to do is to make sure that men and women and children across this province have legal representation when and where they need it. We're here to make sure that the legal aid system isn't used as a bargaining chip for \$3 or \$4 or \$10 more an hour.

If the Liberals and New Democrats stand in this Legislative Assembly—as I expect them to do over the

next number of hours, because they promised us long speeches, so I'm sure they'll live up to that one promise; they rarely live up to others—if they're going to stand in the Legislative Assembly and they're going to talk about all the money that must be injected into this process, into the legal aid system, then I would ask them why they didn't do it when they were in office, and I would ask them where they're going to get the money from. I would ask them which MRI in their respective communities they intend to shut down to pay legal aid lawyers more money. And I look forward to hearing that answer forthwith.

Interjections.

The Acting Speaker: We will all listen except one. If you have a different thing in mind, talk to me privately, because we won't have this chatter and everybody yelling back and forth.

Further debate?

Mr Michael Bryant (St Paul's): I'm pleased to rise today to speak on behalf of the official opposition in opposition to this bill. I'd remind the Attorney General, before I continue with my remarks, that in fact the last time an Attorney General of Ontario did address the matter of legal aid tariffs it was the Honourable Ian Scott in 1987. So I think his information is wrong on that front.

Secondly, I thought it was very interesting what the Attorney General said at the conclusion of his remarks. He makes it sound as if—and I hope this is not the case—this is purely a matter of dollars and cents and balancing the budget. In the case of many, many items before this Legislature, that is the case; it is about making tough decisions and setting priorities. But there's a little more to this issue. There's a little more at stake. It is certainly incumbent on the Attorney General of Ontario to be aware of—and I'm sure he is; I know he is—the important rights that are at stake on this particular issue.

This is not just about meeting the budgetary demands of any old ministry. The Ministry of the Attorney General is in a very unique position, as it says on his own Web site. The office of the Attorney General is in a very unique position, as set forth in the Ministry of the Attorney General Act and on his Web site.

I know many members of this House and members of the cabinet are aware, and ought to be aware, that the Attorney General has a very special constitutional role to play: to at times stand aside from political concerns and issues of the day and say, "Here is the right thing to do in order that we comply with our existing statutes, our existing commitments, the Constitution Act, 1867, and the Constitution Act, 1982." It may not be a popular position that he takes, but it's a position he must take at times. I know, because I've spoken to members of cabinets past and present, that there are moments when the Attorney General has that very special role to play.

I say to everybody in this House that this bill must be looked at very much in that context. If you want to look at it from the populist perspective, obviously we ought to be trying to figure out the way in which to spend as little money on this as possible, because it is dealing, from a

populist perspective, with something that is on the margins, representing those who are on the margins, dealing with issues that are on the margins.

My concern is that this bill is the triumph of the legal populists in the Progressive Conservative caucus, the triumph of the movement of legal populism that has sunk into this Legislature, first, in an effort to try and merge together the independent branch of the judiciary and the legislative branch, as if we ought not to keep them separate; then, when Attorney General Flaherty gave a very courageous but fairly stunning speech to the courts that we ought to hold the courts accountable as if they were a business and there were no other considerations at hand.

If that's the case, if we just want to have popular judges, then why don't we just elect them? If we're electing the judges to make decisions that we feel ought to be independent, then why do we even need the judiciary? Why don't we just throw all those decisions into the legislative mix?

Obviously, we all know, there are matters that come into our constituency offices and before this Legislature that require a measure of independence, that require an independent judiciary to look at them. If we throw it out into the arena of populism, you know what's going to happen. You know it's going to be the tyranny of the majority that will rule the day. That's why we celebrate and signed on to a Charter of Rights and Freedoms in 1982: to ensure that in fact we have that check on our democracy. It makes our democracy more democratic.

As those tough issues that don't belong in the arena of populism head into our courts and efforts are made to bring them back into this Legislature, we have to be mindful that this is not just any other issue—"Oh well, we're just moving one department on to another." There are some fundamental issues at hand.

I think one of the reasons many people who do not have a direct stake in this, because they don't do any criminal law work or family law work, but have a real, keen, informed interest in the administration of justice and the independence of our judiciary—these people are upset in part because they perceive, rightly or wrongly, the Attorney General of Ontario as engaging in a very dangerous populist game.

We, Ontario Liberals, do not support this bill because we see it as a blank cheque to deliver a mortal wound to legal assistance, to those who need it but just cannot afford it. We're concerned, first, about the erosion of the quality of legal assistance that must be provided to those who need it the most. We're worried about what will happen to the quality of assistance they'll get.

1600

Secondly, we're worried about the economics of all this. Even if you want to take the populist take on this particular bill and issue, the truth is that the creation of a brand-spanking-new bureaucracy of public defenders, I would have thought, is the last thing the Harris-Eves government would want to be engaging in. Minister Wilson, this week, really heaped enormous contempt

upon the civil service and bureaucracy with his comments, and yet here we have the Harris-Eves government creating a new bureaucracy to replace a system whereby you could find counsel with perhaps 20 years' experience who could provide service in two hours that an inexperienced, overworked public defender in that bureaucracy would not be able to provide in 20 hours. That was the economy of scale. That was the efficiency of the legal aid system. That was the principle behind it. So we're concerned about the economics.

We're also concerned about independence. We're concerned about the independence of the ministry, the independence of a public defender's office and the independence of Legal Aid Ontario, and I'll speak to that in a moment.

We're obviously concerned about access to justice. This bill we see as perhaps institutionalizing the common sense reality of a two-tier justice system. We have a two-tier justice system; this bill won't create one. My concern is it will entrench one. It will institutionalize it, as has happened, at least with criminal law and family law matters, in the United States; as has not happened in other jurisdictions that we frequently borrow from, in particular the United Kingdom. I'm not suggesting for a moment that it is a universal justice system, but their take on the delivery of services is quite different than the one adopted by this government today.

We're concerned it will institutionalize it because in fact we will send off to cabinet the ability to create a public defender system and do away with the legal aid system and thereby render really the lowest-common-denominator assistance to those who need it most.

Last, the flexibility needed, currently far from perfect but nonetheless in existence under the Legal Aid Ontario system, will be gone. People won't go to counsel of their choice. They will just basically stand in line and get what they get. You know, you get what you pay for in that sense, which speaks to the economics as well. I'll come back to those in just a minute.

But let's not forget that what is actually being proposed here today was already rejected by the very office that is supposed to administer this program. Legal Aid Ontario has looked at this—everybody's looked at this—and these alternatives in the last few years. It has been the subject of enormous attention by the Law Society of Upper Canada. The law society, as you probably know, is not a lobby group. It is in fact there to regulate the profession, not unlike the College of Physicians and Surgeons of Ontario. The purpose of the law society in looking at Legal Aid Ontario is not to act as a lobbyist. There are other organizations to do that and to further the interests of that particular stakeholder. But the Law Society of Upper Canada, represented by benchers elected and accountable and fulfilling a number of requirements, in fact is there to try and ensure and bolster the integrity of the administration of justice. They have commissioned numerous reports and made numerous recommendations, and they are in the midst, I believe, of discussions with the Ministry of the Attorney General

and were up until the gauntlet was thrown down here. I'll be speaking to their recommendations.

When Legal Aid Ontario looked at the proposal for a public defenders' office, they said no. In October 2001, in the legal aid tariff reform business case, they considered and rejected replacing the certificate system and tariff with a public defender system. Why did they do that? First, there was a concern that the public defender system would require a reversal of the direction set forth for legal assistance by the province of Ontario in 1998. The Harris-Eves government passed a law in 1998 called the Legal Aid Services Act, and the direction therein was clear: let the private bar, the Law Society of Upper Canada—not the government of Ontario, but someone who is not in the position to be providing the funding—take the funds and administer the funds, in a manner that was in the best interests of the administration of justice; make the private bar the foundation of legal aid services in the criminal and family law areas.

Secondly, the public defender option was seen as fundamentally counter to the provincial direction, again articulated during debate in 1998 on private-public partnership in services delivery. This fundamentally transforms our system from a legal aid certificate system—again, under the blank cheque, determined by regulation and notwithstanding maybe even the intentions of the Attorney General today to provide something mixed. This bill permits the institutionalization of something poor. That's why we have legislation to ensure that that will not exist either now or in the future. The Attorney General of Ontario, of all people, knows that, and, of all people, must ensure that in this Legislature.

Thirdly, the public defender system was rejected by Legal Aid Ontario because it simply reduced the flexibility that existed—or exists now, however imperfect—to ensure that the appropriate assistance is provided to the appropriate case.

Lastly, Legal Aid Ontario was very concerned—as I've already stated before, is our concern—that that option could end up being more expensive than the certificate system once the costs of accommodation, overhead and benefits of the public defenders are factored in. Remember, the government isn't out there paying, in any direct fashion whatsoever, the overhead under the certificate system. It's obviously going to be done indirectly through the certificate system. Thus, comparing the dollar rate for a certificate on the one hand versus the salary of a crown counsel on the other hand, without adding the crown counsel's overhead in, is just simply mendacity; it's just misinformation. Anyone who did that would be totally misleading whoever was listening to that, because obviously you have to factor in overhead, benefits and accommodation into those numbers. I know the Attorney General knows that; I know he knows that. On this issue, it ain't one to play that rhetorical game—on this one, not on this one; on others, but not on this one.

Next, there are obviously constitutional considerations. The Attorney General, I know, knows that. I would

assume that—I would hope that—the ministry would have been saying loud and clear, "We have a Supreme Court of Canada decision out there from New Brunswick in 19"—I think it was 1999; yes it was in 1999—"where the court held that a mother had the right to public funding to defend herself against the state seizing her child." Some have interpreted that as a constitutional right to legal aid. Some have interpreted that merely as a constitutional right to public assistance in some regard.

If you look to the American case law, where in fact the American jurisprudence has ended up driving, to some extent, the public defender system, you will see minimum requirements in terms of what the legal assistance is. You can't just have somebody in the office with a pulse. There has to be a certain level of assistance provided, not just someone showing up with a file folder in their hand who hasn't looked at the file. That's all over the map, but if you want to go to a public defender system, that's what you're getting yourself into. If there are any doubts that the legal assistance being provided right now by governments across Canada to Canadians under the legal aid system may be in a state of crisis, consider the fact that the Canadian Bar Association has launched a series of actions across the country to challenge that in the courts. Then the courts will be sending back, as part of the dialogue between the courts and the Legislature, the next missive.

Rather than playing it that way, in the way this particular dispute is playing out—in the media, through the bills, a flurry of press releases flying around on all sides, a refusal to do anything but entrench, sending everything off to the courts, in this case, in order to get the judicial remedy that legislators won't provide—the better view, surely, is for the law society, the private bar and the ministries, provincial and federal, to get together and work out a way in which we can fulfill those constitutional responsibilities to ensure that people get the right to a fair hearing that they deserve, which for many people who cannot afford counsel means getting appropriate legal assistance.

1610

Clearly, there are constitutional considerations here. And whether this dilution of our legal assistance system ends up running afoul of the Charter of Rights and Freedoms has got to be spoken to during committee hearings. Of course we have to have public hearings. We have to hear from the experts, but we have to hear from the people too, and we have to hear from those who will deliberate on the issue of meeting those constitutional obligations. The Attorney General is quite literally statute-bound to ensure that happens. I would argue that he is statute-bound to provide hearings in this case in order to fill his special legal constitutional responsibility to ensure that this bill is kosher with the Charter.

Rushing this bill through without any consideration or consultation before the gauntlet was thrown down, rushing the bill through—right now we don't know; we're concerned about the possibilities of time allocation motions, guillotine motions, killing debate on this with-

out public hearings, without full committee hearings and without permitting, among other things, Legislative Assembly counsel to provide to the justice and social policy committee, or whatever committee the Attorney General sees fit, the opportunity to look at the legal implications. I just can't imagine that the Attorney General would want to just get this thing passed, get it out and then have it struck down and we'd be back in the state of chaos we're in now.

There are federalist considerations; there are areas of legal aid funded by this province that require assistance and appropriate funding from the federal government. But that doesn't mean this ought to devolve into the "he said, she said" debate that marks our health care debate. Rather, the federal Minister of Justice must obviously work with provincial Attorneys General, as he has already committed to do, to ensure that the right areas of government are providing the appropriate areas of funding, recognizing that it's pretty clear, under the Constitution Act, 1867, that responsibility for the administration of justice is provincial, and there's no denying that. Getting us into this box, where we have to turn to Ottawa down the road to pay for a bureaucracy for legal aid certificates that turns out to be more expensive, is not the way to go.

I'm concerned that this bill is the result of a political firestorm focused, in part, in the Brockville area. As a sort of brutally and maniacally effective partisan trump card, this bill is thrown down to end this dispute. It might seem to the Attorney General that it will end it in terms of giving him legal tools that he believes he needs. But I would guess it will also end hope of getting any co-operation on an issue that just cries out for, and historically has always seen, the parties working together. Why? Because in a populist arena, all the parties understood, especially the government of Ontario and the Attorney General, that these kinds of debates, when played out on the talk-show circuit, don't end up addressing the fundamental rights that are at stake, that we all hold sacred, and that some of those talk-show participants might desperately want, and need, on the day they get pulled over and in their view feel they were wrongly treated by the justice system, find themselves in need of legal representation and don't have it.

That's the day they find themselves in a family dispute that puts them in the courts where the most fundamental, sacred principles of family have to be determined by a court of law: a judge has to decide where a child goes; how much a spouse pays in spousal support; how much the kid gets; how to get, in some cases, the deadbeat dad to pay what's owed and due. These are pretty fundamental issues, and you want to have them adjudicated before an impartial tribunal. You want to have the scales of justice balanced, where you've got not the one who's got the most money and the legal dream team who can try and purchase in the face of no representation the result that they are seeking, but some balance.

Of course we need a robustly funded prosecution system. Of course we do. But at the same time, we recog-

nize, or at least have recognized in this Legislature, always we've recognized, that the scales of justice needed to be balanced in a fashion that those who couldn't afford representation would get it. And they wouldn't get it through the worst possible model; they would get it through the best possible model.

This government in fact in 1998 was to say, "Let the private bar drive the direction of the certificate system and create an independent office, Legal Aid Ontario, which would administer it and make the final decisions." Why was this important? Well, look. How much confidence can people have in the independence of a judiciary if the government is funding the prosecution, as they must and should, but are also funding the public defender?

There's a pretty fundamental principle at stake when we say that we not only must have justice be done but seen to be done. And if it's seen that a public defender may not want to be biting off the hand that feeds it, which is absolutely the perception in a number of jurisdictions in the United States, if that in fact is what may go on in the province of Ontario, then we've just seen the decimation of a legal system in Canada's largest province.

The Legal Aid Services Act, 1998, reads as follows, under subsection 3(4):

"(4) The Corporation"—being Legal Aid Ontario—

The Acting Speaker: Order. The Chair recognizes the member for Niagara Centre on a point of order.

Mr Kormos: On a point of order, Mr Speaker: Sir, do we have a quorum?

The Acting Speaker: Will you check and see if there's a quorum present.

Clerk at the Table (Ms Lisa Freedman): Quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

1620

Clerk at the Table: A quorum is now present, Speaker.

The Acting Speaker: The Chair recognizes the member for St Paul's.

Mr Bryant: I was referring to the Legal Aid Services Act, 1998. In that act the government of Ontario eventually, approved by the Legislative Assembly of Ontario, entrenched in statute the independence of Legal Aid Ontario, referred to as "the corporation" in the bill. Subsection 3(4) reads, "The corporation shall be independent from, but accountable to, the government of Ontario as set out in this act." So, independent from, the idea being that Legal Aid Ontario would act in a fashion that would fulfill the principle set forth in that bill, it would be independent from, not beholden to, the Ministry of the Attorney General.

Our concern is that a fundamental alteration of that principle and of that entrenched principle in the statute in fact will be violated under this new bill. Bill 181, the bill that we're debating here, reads under section 2, subsection (2.1), "The Lieutenant Governor in Council"—the cabinet—"may make regulations governing the

corporation's"—meaning Legal Aid Ontario—"methods of providing legal aid services, including, without limiting the generality of the foregoing," and then it lists all these ways in which it can tell Legal Aid Ontario what to do.

The point of Legal Aid Ontario was that we'd give the board independence to administer the funds in a fashion consistent not with a particular political agenda, not consistent with the governing party of the day, not necessarily consistent with principles that play well in the populist talk show circuit, but rather principles that further the administration of justice and fulfill the principles upon which our legal aid system was founded.

This new bill strikes at the heart of that independence and makes Legal Aid Ontario arguably a tool of the government, eroding the independence therein, and causing the entire independence of our legal assistance system in the province of Ontario to be questioned.

Does it sound arcane? Sure it is; of course it's arcane. But we're dealing with a very arcane principle here. We're dealing with a very fundamental, sacred principle here: the right to get a fair hearing, which means, for those who can't afford representation, the ability to have legal assistance. If the independence of those who decide where the money goes and whether or not a bureaucracy is set up in a particular community or whether or not in fact the funds are farmed out to a firm to administer or legal aid certificates are provided, if there is no independence there, then it really renders the whole purpose of the Legal Aid Act, passed by this government in the first place, and the independence of that office a joke. It's illusory if it is.

Next, we're concerned also, in regard to independence, with the perception of what happens when both defence and prosecution are funded by precisely the same source in the same fashion with no independent arbiter in between.

Mr Kormos: With budgetary restraints.

Mr Bryant: The budgetary restraints will end up inevitably compromising in a fashion that I think people looking on a case-by-case basis would find totally unacceptable but also compromise the rights and freedoms that are at stake here. It's not just that justice be done; it's that it appears to be done. Hence, the concern with the independence.

The economics: if a bureaucracy is created, as I've said before, it is hard to see how substituting a legal aid certificate system with an entirely new bureaucracy will end up doing anything but costing the province even more money. If we're concerned about the economics, then that ain't the way to go.

Wait a minute. The other alternative is that the work be farmed out, presumably to the lowest bidder, to a firm, let's say, to do 200 cases. "OK, firm that bid the lowest," that might have underbid it, by the way, "you get the 200 cases." The first case that goes off to that firm, they may get some pretty good treatment, they may get great treatment; the firm's happy, good. They got the contract.

What happens if after case 150 the firm figures out, after looking at their overhead and looking at how many

hours they're spending on this, that they actually underbid it, that they didn't get it right? You're not going to have anybody independent here making decisions or ensuring any quality control. I've not seen a thing about quality control in this bill.

Suddenly you're going to have, after case 150, really no service provided to the person who is supposed to be getting it. So case 1 of the 200 is getting great service; case 200 is getting little to none, because at that point the firm is losing money.

This is the danger of farming it out without any quality control whatsoever, this is the danger of removing the independence of Legal Aid Ontario, and this is the great danger of providing this justice on the cheap, particularly in circumstances where we've not heard from the people of Ontario and we've not heard from the stakeholders in a committee hearing and we've not heard from other government members in the committee forum, which we'll all admit is supposed to be less partisan than this particular forum.

Mr Kormos: What does McCamus say about block funding?

Mr Bryant: John McCamus—is that who you mean?—of the McCamus report, a great scholar, a great counsel, a great former dean of Osgoode Hall, a great Canadian, in his blueprint on page 22 rejects block funding.

Mr Kormos: For family legal aid.

Mr Bryant: He just rejects it outright for family legal aid. It's not the way to go.

The government of Ontario listened, I think it's fair to say, to Professor McCamus when that was released, and I wish that they would listen to him now. Block funding on family law matters should be just off the table.

Mr Kormos: He didn't even consider it for criminal matters.

Mr Bryant: It goes without saying that Professor McCamus didn't even consider it for criminal matters. It was beneath injury to the justice system as a result.

Another concern clearly is with respect to the flexibility needed, and here I'm going to paraphrase from the McCamus report, the Report of the Ontario Legal Aid Review: A Blueprint for Publicly Funded Legal Services, 1998. Professor McCamus's concern was, first, with respect to there being a conflict of interest. The concern was the public defender system would have less legal independence than private counsel because the lines of control and payment by the government would be more direct. Defence counsel's legal independence and loyalty to the client would be compromised. Why? Because the obligation would not be to the person you're trying to defend or the person you're trying to assist in the family law matter, but rather the public defender's obligation inevitably has got to be to the person who is providing them with a paycheck, has got to be to the ultimate employer, and in this case it would be the government of Ontario. Hence, the concern of biting the hand that feeds you.

There is also the concern—I don't want to attribute this purely to John McCamus, but to many others—that there would be lower-quality services. Overworked staff and the volume of criminal cases that a public defender would have to handle are inevitably going to lead to indifferent and superficial work. That has been the experience in the United States and it will be the experience in Ontario, particularly in the absence of any kind of quality control provisions, and we're not going to get any of that and fix any of that and do any of that if we don't have public hearings, if we don't have committee hearings.

1630

Another concern coming from the McCamus report was the erosion of access to justice. The public defender system highlights the gap, it was said, between the rich and the poor because the services provided to the individual without means are clearly different from those available to those who can afford to retain their own counsel.

Lastly, there was a great concern in terms of the lack of flexibility and enormous inefficiencies that might run from this radical reform that's being proposed here today. The public defender model can lack a flexibility in responding to changing demands, particularly in rural and remote areas of Ontario.

There has been an outcry among not just those directly offended and involved in this particular issue, but many people who have a keen interest in it. There were real fighting words coming out as soon as this bill came down, and I think in part it was because there was a perception among a number of stakeholders that they were in the midst of what they perceived to be good faith negotiations, and then this happened.

I'm here in the Legislature—I try to be here every day and I think I've been here every day this session—and I can tell you I didn't hear a thing here or in the hallways, in any press release or otherwise about a—we have not had a public debate, if you like, about a public defender system until, boom, the gauntlet got thrown down. Of course, we knew it existed. I understand that. We also knew that it was always out there, but there was an assumption that that partisan and, I dare say, tyrannical trump card would not be dropped until there had been full consultation and negotiation.

Yes, in any other context—if we're talking about, I guess, negotiating the salary between Ron McLean and the CBC, we can't blame Ron McLean for throwing down his own populist trump card. But the rights at stake here are too important. The office of one of the negotiators, that being the Attorney General, and the need for its independence are too important for us to find ourselves in the midst of this really unbelievably protracted conflict, particularly concentrated in the Leeds-Grenville area.

The Ontario Bar Association said this on September 30 in response, this from the co-chair of the OBA's task force on legal aid reform, Paul Robertson: "The OBA is disappointed to learn that after more than 18 months of

'good faith' consultations on behalf of the profession, the current government is returning to the Mike Harris days of the politics of confrontation. This time the government's targets are the underprivileged and the legal aid system.

"We have provided the government with substantial documentation in support of legal aid tariff reform over this period and have received no response. We were, in fact, scheduled to meet with the ministry ... this week"—this was back on September 30—"to continue discussions, and have not been advised of any change to that schedule."

Well, there was a change to the schedule, all right. There was a bill brought down which really brought the negotiations, in effect, to an end. I wish they were not and I hope they continue, though.

I would add this: it is not just that the politics of confrontation, what the Ontario Bar Association refers to as "Mike Harris tactics," are not part of what we're supposed to be having today, based on a throne speech promise of last spring, a sequel to the Common Sense Revolution.

Not only is it just confirmation for all us who believe in the political arena that the Harris-Eves government is the Harris-Eves government, but it is also a violation of the independence of the office of the Attorney General. I would say that under no circumstances, whether we're in the Mike Harris days or out of the Mike Harris days, is it appropriate to engage in these kinds of tactics.

Thus says the Ontario Bar Association; thus say hundreds of people who have, I know, written to the Attorney General. I want to say this again: it is not just the people who have a direct interest in this. In fact, for many members of the bar, many members of the law society who don't practise any criminal law, who don't practise any family law, their dues would go down if the legal aid certificate system was gutted. Part of their dues go toward that system. It would be economically in their interests, I suppose, to have the public defender system replacing the legal aid certificate system. But they still say the principles are too important.

Let me read from one of those letters:

"Most legal aid certificates are issued for criminal and family matters"—it's true—"neither of which are my areas of practice," writes this particular lawyer. "Consequently, any changes in legal aid have no direct effect on my income. In fact, I suppose that I would save money with a public defender system because part of my law society dues now go toward the legal aid system, from which I derive no benefit.

"In spite of that," he writes, "I am not in favour of this change, particularly by this method." This is a letter to the Attorney General. "Any major change in social policy or legislation should not be arbitrarily done by the government of the day on a matter as important as this. Such a system leads to uncertainty as subsequent governments feel obligated to undo the misdeeds of the previous one.

"The better approach is some sort of consensus building which results in possible legislative changes which at

least some of the parties are prepared to accept. Rather, we have an all-or-none proposition right now." It's all or none. It's the government throwing down the gauntlet on an issue that is just too important to do so.

The Chief Justice of Canada said recently, "Providing legal aid to low-income Canadians is an essential public service.... The well-being of our justice system ... and the public's confidence in it ... depend on it. If legal aid fails, justice fails."

What is she talking about there? She is talking about the ability to fulfill some of the most fundamental rights that all of us in this room take for granted. She is saying that if we do not provide that kind of assistance to people who so desperately need it, it is truly a pox on the whole system of justice.

Why should this concern us in this Legislature? We are able, in representing our constituents, to more often than not devote our time and energy in trying to ensure safe communities, in trying to ensure livable communities. We are able to do so and to push for that, to push for the protection of people from crime, from deadbeat dads. We're able to fight for that, fully confident that we have a system of justice that will take care and ensure that fundamental rights, which we know if we throw them in the populist arena will be abrogated, will be fulfilled.

If we cannot proceed on that basis, if we cannot in this chamber fight for victims of crime without being concerned that we've got an administration of justice that does not provide fair hearings, does not fulfill fundamental principals of innocence until proven guilty, it ends up hampering our ability to represent our constituents. We're going to have to be concerned at every stage of the game, as we fight for those incredibly important causes for which we were elected, that maybe somehow we are engaging in or are complicit in the violation of somebody's civil liberties out there somewhere.

I don't think any member of this chamber was concerned about that in the glowing heydays following the adoption of the Charter of Rights and Freedoms. There was a confidence and there was a sense in every legislative chamber that, "Phew, we've got someone independent checking that and watching that and ensuring that." If we don't have a system of justice that is independent, if we don't have a system of justice that balances the scales, whereby not just the prosecution is robustly funded, but we have those who can't afford a defence getting the appropriate representation, then that means we're going to have to adjudicate on that.

1640

The elected should not be adjudicating on that issue, because what will happen, we know, is that the legal populists of the day will triumph. We know that the tyranny of the majority will engage. The existence of injustices in our province, the existence of inequalities in our province, some because of immutable characteristics resulting in discrimination—the way you look, where you come from—the existence of inequality in economic well-being—the growing gap between the rich and the

poor—the existence of these injustices and more make our democracy so very necessary so that we can do collectively that which we can't do individually.

But the existence of democracy also requires a check so that we do not have the majority always trumping the interests and wishes of minorities. Believe me, the people who qualify for legal aid are a minority, I imagine something less than 1% of our population. To qualify for legal aid the amount of money you need to be making a year, among meeting a number of other requirements, means clearly that you're either unemployed or we're talking about the working poor. That's what we're talking about. We're talking about people who just cannot afford a lawyer for an hour. They can barely pay their rent.

If we go down this path, if we erode the independence of the office of Legal Aid Ontario, if we erode the independence of our judicial system so that the scales of justice are not balanced, we're going to end up with things on our agenda that I'm telling you we don't want on our agenda. We want them to be before an independent arbiter. We want them addressed by crown counsel, who have duties to prosecute but also have special duties that defence counsel don't have, that don't make them simply nothing but opponents with defence counsels and advocates on one particular side. They have very special obligations. We have great crown counsel in this province.

We need to give advocates for those accused and those who find themselves in the midst of custody battles, support battles, and who find themselves before refugee tribunals. We need to have all those people getting the representation they deserve so that they can make their case, so that they have the opportunity to get a hearing in an arena where politics is not ruling the day, in an arena in which economics—how much money you have—is not ruling the day, in an arena where it doesn't matter if you've got the legal dream team on your side or not, but rather you've got an independent arbiter, an independent judge, who will look at that case, decide it on the facts, and politics and economics be damned.

If we go down this path of legal populism and tear down that independence of Legal Aid Ontario and tear down a certificate system which clearly was broken—obviously it's broken. It's at a point where it's not functioning in parts of the province. But to throw the baby out with the bathwater is hardly the way to go.

I want to say to the Attorney General that we're obviously going to have to agree to disagree on the merits of this bill. I listened to him in his speech as he made his case for the bill. I listened to him in his press conference as he made the case for this bill and I don't know if he listened to me as I made the case against the bill, but in any event I know he'll agree that we'll agree to disagree. Be that as it may, I cannot believe that an issue as important as this, a bill as important as this, a matter as important as this, faced by an office with such special obligations, would not go off for weeks of hearings—weeks.

Keep in mind the context: there were negotiations taking place by all the parties to figure out how to fix the

legal aid system and now, out of right field, comes a bill—not a proposal, not a speech, not a discussion paper, a bill—saying, “We are going to legislate a blank cheque to provide a mortal wound to legal assistance in the province of Ontario, so there.” The political challenge is thrown out. Again, a great negotiation trump card, and sadly consistent with the Harris-Eves style, but this is not the issue on which to do it.

I am saying that even if you disagree with me, not unlike other bills that have come before this Legislature that, I thought, rightly went off to committee hearings—very few, I should say, under this administration, but many or more under previous ones. The privacy legislation: off it went to hearings, and mercifully it did go off to the hearings, because the privacy legislation was addressed in a fashion that led the government, I guess mercifully from the government’s perspective, to withdraw it. We’re told we’re going to get it back again, and I presume that legislation will go to committee hearings. Why? Because of the privacy interests at stake, because the privacy interests are so important, because privacy rights are so important. Hence privacy legislation goes off to hearings.

It is astounding to me that this bill, where the rights and interests at stake are even more sacred, I say—because we are also talking about a minority in the minorities. We’re not just talking about people facing a fundamental change to their liberty, and I mean that not only in the criminal context but the family law context. Not only are they facing a fundamental change in their liberty, their freedom and their family life, but we are talking about people who can least afford, and in many cases are in no position, to defend themselves.

When rights are that important, clearly the old adage holds that the person who represents himself has a fool for a client. When such fundamental rights are at stake, our country has said, certainly in the post-war era, that these rights are just too important to let someone go off and defend themselves.

So in those circumstances and with those rights at stake and given that we are talking about the most vulnerable in our society, they deserve, because it’s a reflection on our society, and therefore we deserve and this Legislature deserves and our system—replete with its separation of powers between justice, executive and Legislature—deserves a full public hearing. It’s just too important not to get a full public hearing—not a couple of days of hearings, by the way; not a couple of days but a full public hearing.

It used to be the case, and certainly hasn’t been since my friend from Toronto Centre-Rosedale and I were elected—we’ve never seen any public hearings that have lasted more than a few days, or a few hours in some cases. But I’m told that this place used to have weeks of public hearings, and on a matter as fundamental as this, it would be unthinkable not to do so.

I’ll say again, because I can’t say it enough, that for a bill to come from this minister, the Attorney General, on such a fundamental matter makes it even more incumbent

on the government to have full public hearings, because of what’s at stake here. There is a sense that maybe we can just play this out on the talk-show circuit and through releases such as this one from the government. This is the Attorney General of Ontario speaking in a press release: “We will not allow legal aid lawyers to continue using tactics that deny representation to people as part of a campaign for a pay increase.”

1650

Great negotiation point. If this was counsel Young representing Ron McLean in a battle with the CBC, I’d say, “Go get ‘em,” in that negotiation context. But this is not that. This is not, let’s face it, supposed to be a minister, because of the office that he fulfills, that engages in that kind of a joust. No, it’s not supposed to be that way. So says the Ministry of the Attorney General Act and our constitutional conventions that require the Attorney General to be as apolitical as possible. Even if that, in this day and age, becomes more difficult, and I recognize that it does, that we live in a political arena and operate in a Legislative Assembly that is nothing like the Legislative Assembly that Ian Scott operated in in 1987 but rather is one where the gunslinging and mudslinging is a sad but unfortunate reality of the exchange that continues—we won’t start by suggesting where it started—and will continue for a time. It’s the age that we’re in. But that notwithstanding, this issue from this minister deserves a better treatment than this.

Obviously my prescription for this particular dilemma is not this bill. We do not support this bill. My prescription, first and foremost, is to end this tactic of the partisan gauntlet being thrown down. Again, the Attorney General’s not going to agree with me there, but at the very least, what we dearly need, all of us in this Legislature, the province, the people who can afford it and those who can’t afford our justice system, is to ensure the integrity and the independence of the administration of justice in this province.

We are not a banana republic. We are the largest province in the finest country in the world. This great province deserves the best justice system. It deserves an impartial justice system. It deserves a system where the scales are balanced as best we can. If fundamental changes are going to be made to that, if radical departures are going to be made from that, if constitutional liberties are going to be imperilled by that, if we find ourselves engaging in a populist, bottom-line assessment of fundamental rights and freedoms, at the very least we owe it to all of our constituents, we owe it to the office that we occupy and the seats from which we stand to ensure that this bill gets a full and open public hearing.

It’s late on Thursday afternoon so you probably couldn’t hear the roar of approval that was coming. The microphones weren’t quite on.

In closing, the official opposition, Dalton McGuinty and the Ontario Liberals, do not support this bill. The politics of this may be something else. The politics of this on the talk show circuit may be totally different. It may be that we ought to just jump on in and jump on that train

of the tyranny of the majority in the face of often misunderstood issues. But we're not going to do that on this side of the House. We're not going to do it because we don't want to erode the quality and economics of legal assistance to Ontarians. We don't want to erode the independence of our justice system. We want to do the best we can to balance those scales. We don't want to entrench and institutionalize a two-tier justice system and inhibit access to justice. We want to ensure, at the end of the day, that we get it right. We need full public hearings, if nothing more.

The Acting Speaker: Comments and questions?

Ms Marilyn Churley (Toronto-Danforth): I listened with interest to the hour-long speech by Mr Bryant. It was a very good speech that went very quickly. He expressed a lot of concerns that the New Democratic Party shares as well.

The bottom line here is, we need extensive public hearings. My understanding is—and I'm not sure about this; maybe he'll clarify it—the minister is not prepared to do that. If I'm wrong, I want to hear that. We need extensive hearings on this across the province, because there are a lot of issues that have been expressed already, and I'll tell you again what some of those are.

I have great concern that both the crown and the defence will be represented by people who are employed by the crown, even if indirectly through Legal Aid Ontario. There's a concern about the control the government will have over the course of cases. I have concerns that the government has indicated the funds for contracting out and legal aid staff lawyers will come from Legal Aid Ontario's existing budget, which we know is not adequate. Already the 5% tariff increase was paid for out of the LAO surplus. I have concerns that the government wants the criminal justice system to move more quickly and cost less. There are many concerns about this bill.

I understand there are issues and problems that need to be resolved here. As the Liberal critic just expressed, we all want to try to find a way to work together to resolve this problem for the good of our low-income constituents who badly need this service to work for them. It is our opinion that this is not going to work.

Hon Mr Young: Indeed it was interesting to hear the member from St Paul's speak. I listened attentively throughout, from start to finish, trying to understand what position the Liberals were taking in relation to this serious matter. I listened and listened, and I heard him say they don't support this bill. They don't support choice; they don't support having an alternative, particularly where there are no lawyers available prepared to do this work.

What do they support? The Liberals are so used to being on the fence that they've become impaled on it. Even on an issue this important, this crucial, they won't take a stand. Let's think about what that means in this instance. The Liberals refuse to take a stand. They're not prepared to support men, women and children who badly need lawyers when there are no lawyers available. They're not prepared to do anything.

Oh, they did say one thing. They want to delay the bill. They said they want to extend the process within this Legislative Assembly. They want to delay the bill; we understand that. But the result of that, the result of not having any real, credible, concrete, constructive alternative, is that we will have a criminal justice system that will not continue to function in certain parts of the province. There are places in this province where lawyers have said in no uncertain terms that they can't afford to take or won't take legal aid certificates. I take them at their word. I don't think we should be imposing on them any further.

Mr Bryant and the Liberal Party probably think we should give them a big raise. I didn't hear that one way or another, but presumably and by necessary implication they must believe we should give them a big raise. The Liberals want to give them a raise. I guess they want to raise taxes or close an MRI to do it. We have proposed a very reasonable alternative.

Mr Mike Colle (Eglinton-Lawrence): My colleague from St Paul's is very wise in saying this is too important to be reckless with. The Harris-Eves government also ignored the public when they recklessly tore apart our school system with their unworkable funding formula. They didn't listen to people. They didn't want hearings.

1700

Look at the mess they've created with hydro because they always want to rush. They never want public input, they never want good debate, because they think they know best for the people of Ontario. They continue to assert that they know it all, whether it's this very critical issue dealing with the public's right to good justice and good legal representation—they don't want to hear from experts or the public. The minister in charge says he doesn't want hearings. He calls public input into this process a "delay." That is the essence of the Harris-Eves agenda. They want to always jam things through. Then they mess things up. Then they blame other people.

This is a big bluff. The member from St Paul's, I'll tell you, this minister is bluffing. He's trying to intimidate the legal profession. He's trying to intimidate people into saying, "My way or the highway." I think when the people of Ontario find out that this government is being reckless again—and you know what happens when they proceed on this reckless road. I tell them, "Don't let them do to the justice system what they did to hydro, which is the biggest mess ever created in this province, and what they've done to schools and what they've done to our hospitals."

Mr Kormos: One of the critical questions is why the government won't permit this bill to be put to the committee. The suggestion had been made quite early on from my counterpart in the Liberal caucus that this is something that could be dealt with after first reading in committee. I concur. Efforts have been made to get a commitment from the Attorney General. All we want is for the Attorney General to stand up today and say that this bill will be put to committee for the three or four weeks of committee that it deserves.

Interjection.

Mr Kormos: Well, lawyering is taking place across this province. I put to you that when you are undertaking, Attorney General, as you are, such a fundamental and radical departure from the historical delivery of legal aid in this province, and when lawyers across this province have all made it very clear to you that they want to be a part, that they're prepared to assist in addressing the issues that you raise around legal aid, it is negligent to not put this to committee, to not have thorough hearings, not just here in Toronto but quite frankly across this province. Because I tell you there are folks up in Timmins, where my colleague Gilles Bisson is from, who recognize that lawyering is a far different animal in Timmins than it is in downtown Toronto, as it is in Niagara region, as it is in eastern Ontario and the west.

I happen to have a memo which reports on a meeting between the Attorney General and some lawyers. I will be disclosing the contents of that memo in relatively short order, because there are some interesting things that occurred at that meeting which are not consistent with what the Attorney General was putting to us today. Far be it for me to draw the conclusion that the memo is inaccurate.

I'm going to be addressing this notorious letter, among other things—

The Acting Speaker: The member's time has expired. The member for St Paul's has two minutes to respond.

Mr Bryant: I listened closely to the comments of the members for Niagara Centre, Toronto-Danforth, Eglinton-Lawrence, and of the Attorney General.

I should say that the member for Niagara Centre is quite right. The day that the bill was introduced, in the midst of another time allocation motion, I called for and stood shoulder to shoulder with the member for Niagara Centre in fighting for full public hearings after first reading.

The Attorney General asked a question about the Liberal position. I think that, for an hour, I said what our position was. But let me talk very slowly so he understands it. Our position is that we do not support this bill. Is that clear? Our position is that we have got to provide just legal assistance through an independent body, Legal Aid Ontario—in a fashion that fulfills both the inevitable economic requirements that come with administering the taxpayers' money, balanced off—"balance" being a word the Attorney General doesn't understand—with the important civil liberties, the important freedoms that are at stake.

I can't believe the Attorney General of Ontario would equate debate and hearings with delay. It's called democracy, sir.

The Acting Speaker: Further debate?

Mr Kormos: With regret—this is our leadoff speech—I've got but an hour to address this issue. But I tell you what, I've got some things to tell you about this bill and the motivation behind it that have been rotting my socks for a week and a half now and may well have the same impact on you.

I was down there at that press conference the Attorney General gave a week and a half ago when he introduced the bill, and I want to tell you that it was remarkable for several things. One was, and this is the Attorney General who went into that press conference and throughout the course of it wanted to—look, can I tell you lawyer jokes? Of course I can. We all know them. We all know the interest the government would have in vilifying lawyers, but the Attorney General was at that press conference doing the "let's dump on lawyers" throughout the whole exercise. It was a regrettable approach to a very serious matter, because as has been said earlier, and Mr Bryant made reference—I'll tell you again. You can hold lawyers in disdain if you want. You can have a very Shakespearean view of lawyers. But when the cops are knocking on your door at 3 in the morning, ready to haul you off in the paddy wagon, you want the best lawyer you can possibly find, and you want him or her then and there, right now.

If your marriage is collapsing and you're thrown into that incredibly and increasingly complex world of matrimonial litigation, you can make all the lawyer jokes you want, but if you're thrown into that scenario, you want the best possible, best-trained, most competent, best-researched lawyer there is around.

The reality is that the Attorney General has spent precious little time discussing the plight of lawyers who have been struggling to provide family law services in this province. He had the audacity to speak of the greed of lawyers, of them being driven by economic issues. Pal, there isn't a lawyer in town who's made a living off legal aid in a long, long time.

The Attorney General should know better, and I think he does. I've got to tell you that one of the things I've noticed around here—I've been here some 14 years now—is that I've been here long enough to remember when an Attorney General was a little different from any other cabinet minister, because the position of Attorney General was not to be politicized in a way that we've witnessed, an aggressive politicization of that special role in a cabinet within a government.

I was here at a time when Attorneys General, going back to Ian Scott and successors of his, as individuals were as partisan as they come, but when it came to performing their role as Attorney General, they were a little separate and apart from the rest of cabinet. They had a history of Attorneys General in this province who had a commitment to the well-being of the justice system in Ontario, a history of Attorneys General who weren't cheap shot politicians but who performed their roles with a sense of commitment to all of the Legislature and to all of the people of this province.

I found the Attorney General's press conference extremely disappointing in that regard: his cheap shots at lawyers, his references to the difficulties around the legal aid tariff as being issues of lawyers' greed. He's suggesting that lawyers are pocketing \$70-plus an hour.

1710

He didn't have any intention of telling that press gallery gathered around him that most lawyers, and certainly

competent lawyers, have huge overheads in terms of ongoing training; in terms of the resources they purchase on an ongoing basis, be it subscriptions to any number of legal reporting services, among others; in terms of the support staff who are critical to an effective lawyer's office. It's rare lawyers indeed who have performed legal aid work who have found themselves even covering their overhead, never mind netting any income for themselves.

The Attorney General spent a great deal of time and a lot of focus with hardly a mention of the crisis that he's created around family litigation; rather, he was focused on criminal defence lawyers.

The Attorney General just doesn't get it, and he should. I'm going to tell him right here and now that even with an increase in the tariff to family law work, with his maintenance of the artificial caps in terms of the maximum hours of billing, there is the rare lawyer who is going to take on matrimonial litigation with a legal aid certificate, because matrimonial litigation involves far more time than the modest number of capped hours allowed under the current plan.

The Attorney General, by virtue of maintaining those caps as well as refusing to respond productively to the lawyers' reasonable request for an appropriate new tariff, is denying thousands of women and their kids access to matrimonial courts. This government would take every opportunity to tout its oh-so-failed Victims' Bill of Rights. I just can't believe, for the life of me, why this government or any of its members—the Attorney General has been in public forums where he has actually talked about the government's Victims' Bill of Rights. After what Judge Day said about it in the Linda Even-Karen Vanscoy litigation? Please.

We know that for women to be safe, for women to feel safe, it's imperative in situations of matrimonial breakdown and matrimonial violence that they get into the courts as quickly as possible. It's critical that they get into the courts as quickly as possible and that the matters are resolved as quickly as possible. This Attorney General, by denying those same women and their kids legal counsel, is not just making life painfully miserable for those women; he's putting them in danger. I put that to you without hesitation. I see it on a daily basis in terms of the people who come into my constituency office, and my colleagues similarly, whether they be here in Toronto, in Timmins, in Sudbury or in Hamilton.

Clearly, this little bit of legislative manoeuvring is all about this Attorney General not being able to bring himself to sit down with the criminal and family bars to negotiate a resolution to the tariff dispute. I find that remarkable.

The other interesting thing about the press conference is that you've got to understand that when the Attorney General was pressed, all he could do was repeat, "Brockville, Brockville, Brockville." And he didn't have much of an understanding about how this bill was going to be implemented if it should ever pass. The Attorney General was oh-so-incredibly vague. It's clear the Attorney General has no plans. It's clear that this proposition hasn't been costed.

This Attorney General suggested that somehow this bill—Ted, don't go—is critically needed as a response to more and more lawyers simply saying, "No, I won't take cases on legal aid certificates because the legal aid tariff is breaking me, killing me." The Attorney General's response is to fire this shot across the bow, as at least one commentator has described it.

What's interesting is the memo I've received regarding a meeting between lawyers and the Attorney General on October 8, a meeting concerning legal aid. The memo indicates that the AG informed that he, the Attorney General, "was committed to continuing to work with the coalition"—the coalition of lawyers seeking a legal aid tariff increase—"and its constituent members in finding a solution to the current legal aid issues."

Attorney General, if that's what you said, and I have no reason to disbelieve the memo, why isn't that in fact what you're doing?

Interestingly, the Attorney General, according to this memo reporting on this meeting, was adamant—oh, Mr Young, tough guy, adamant—that the so-called service withdrawal, as he put it, "currently ongoing throughout the province was an insurmountable obstacle to making any progress."

Look, the fact is that if criminal lawyers and family lawyers in this province hadn't been making it clear that they can't afford to do legal aid work on legal aid certificates with the existing tariff any more, if they hadn't made that clear, they would have been ignored for another 10 years. There was no other way to get the Attorney General's attention and, quite frankly, there's no other way to keep it because notwithstanding the eagerness of those same lawyers to see the Attorney General back at the table—and they are—negotiating a resolution to the tariff issue, I put to you that the minute those lawyers relinquish the only tool they have to get and keep the Attorney General's attention, those lawyers are done like dinner.

But it comes down to something more fundamental than that. We can't expect good lawyers to work for tariffs that are so low that those lawyers in effect are paying out of pocket to represent an accused or to represent a litigant in matrimonial litigation, and this Attorney General expects them to do that as some sort of gesture of good faith. I put to the Attorney General that it's incumbent upon him at this point to demonstrate some good faith, that the Attorney General ought to be indicating that he's more than eager to sit down and resolve this issue around legal aid tariffs, resolve it effectively, resolve it meaningfully. But the Attorney General hasn't done that, has he? No.

The Attorney General is hell-bent on ramming this legislation through, hell-bent on ensuring there are no committee hearings. This Attorney General is hell-bent that this bill be wrapped up with the least amount of public exposure. The Attorney General is hell-bent that this bill become law without even thorough consideration by members of this Legislature and hell-bent that this bill receive third reading and assent without the Attorney General even having a plan as to how to implement it.

I find it incredible that we have the 1997 McCamus report available to each and every one of you—read it if you're inclined—and yet the McCamus report, being with us now for nigh unto five years, seems to be all but ignored by this government and this Attorney General in the pursuit of this US-style answer to a serious Ontario problem.

You heard earlier, on page 22 of the brief summary of the report, in reference to family litigation, family work, “Block contracting should not be used as a means to deliver family law legal aid services,” yet block contracting is exactly what the Attorney General is proposing in this legislation. The block contracting surely is the most offensive of all the provisions that are being offered up, although one doesn't want to start ranking them one against the other.

We've already seen crown attorneys and crown attorneys' offices across this province having quotas imposed on them—they do; quotas that generate plea bargaining because crown attorneys and crown attorneys' offices are under pressure to clear X percentage of their new cases during any given period of time. How many times do I have to stand up in this Legislature, as I have in the past, to call upon one Attorney General after the other since 1995 to justify the never-ending succession of notorious and disgraceful plea bargains that have taken place?

1720

The litigation around the Victims' Bill of Rights—Ms Even and Ms Vanscoy—was all about plea bargaining, in which the victim, in the case of those two women, was never even consulted, never mind asked for her approval, around the manner in which a crown attorney wanted to accelerate, speed up a case, a serious case—both of them very serious cases—the most serious Criminal Code offences being prosecuted. Oh, the magnificent largesse being displayed in the course of plea bargaining, with an overcrowded crown attorney's office, in terms of the caseload they have, an understaffed crown attorney's office, crowded courts and the old Askov ruling looming over this government's head as darkly as it ever has over the head of any government.

I just got a note, and the Attorney General may be comforted by it. Apparently a viewer calls to indicate that they aren't sure this is a good time to be beating up on the Attorney General. I'm not beating up on the Attorney General; I'm being—and again to the viewer who said this may not be a good time to be beating up on the Attorney General, is there a better time? Should we do it tomorrow rather than today? Should we have done it yesterday rather than wait until today? Give me a break. The Attorney General has beaten up on a hard-working, committed bar out there, that has been seeking effective negotiations with this Attorney General to no avail, for a darned good chunk of time now.

I was telling you about the memo, reporting on the meeting that the Attorney General had with the members of the coalition, or at least it appears to be with the coalition; I'm sure it is. Apparently the Attorney General told this group that the Premier, Ernie Eves, and he, the

Attorney General, had discussed the need for resolution and that it was his expectation there would be a further increase to the tariff within the next fiscal cycle. But once again—and this is what's so consistent; this is what's consistent with the Attorney General's conduct and behaviour at the press conference the other morning—when he announced he was going to be introducing this bill—and his conduct, behaviour and messaging, his language, ever since, and that is that the Attorney General emphasized that he would not be successful in persuading anyone in government to support an increase in the event the service withdrawal continued.

Well, I put this to the Attorney General: what about putting the matter to arbitration? I'm not sure that the members of the bar would enjoy me putting this to you, but it's one way, if you've got an impasse; good, fine, no problem, put the matter to arbitration. Let arbitration resolve the issue. Let an arbitrator resolve the issue around the adequacy of the tariff. Let the Attorney General make his case. Let the criminal and family bar make their case. Let an arbitrator, an independent decision-maker, weigh the arguments, a detached third party in a neutral manner. Let the arbitrator produce an adequate number for the proposed tariff. Seems to me to be a solution, Attorney General. But no, you're in here yammering. You don't want solutions; you want confrontation. You talk about consistency. That has been one of the themes of this government from the get-go, hasn't it: confrontation?

You'll tick off one group and move on to the next and then the third and the fourth and the fifth and just be as confrontational as any government ever could be. Oh, but not that they aren't strategic about the groups that they pick on; they like picking on poor women, single moms on social assistance, and in the course of picking on them exploiting some of the most evil mythology about them. They clearly figure lawyers are fair game, because they want to exploit—if there is any mythology about lawyers being fat-cat big money earners.

Let me tell you about lawyers. Let me tell you about the kind of lawyers who practise legal aid, good criminal lawyers, lawyers like Mark Evans down in Welland, whom I know well, lawyers like Charlie Ryall in Niagara Falls, both of whom have no need to take on legal aid cases. Charlie Ryall, with a great number of years of experience, has an hourly billing rate that is significant, as it should be. But here is a very experienced criminal lawyer, very capable, who will take on losing, monetary-wise, legal aid files out of his commitment to the administration of justice. Yet, you see, not all lawyers have that kind of practice that enables them to subsidize legal aid certificate clients with the cash-paying clientele.

We've got some 30,000-plus lawyers in this province. I was told that the other day by one of the benchers of the Law Society of Upper Canada. I was surprised at the number. I knew it was high; I didn't know it was that many. Obviously, a whole bunch of those people who are lawyers registered with the law society don't even practise law. Most do. The vast majority of lawyers in

this province are hard-working women and men, very well-trained, who provide extremely high qualities of service, who are committed to and active participants in the effective administration of justice, and who dearly want the justice system to work. Those who are involved in delivering legal aid services by way of certificates very much want the legal aid system to work.

One of the other interesting things in the McCamus report that has received oh-such-short shrift from this Attorney General—I know, I shouldn't be beating up on the Attorney General. Oh, for Pete's sake, give me a break; it's just so easy when he comes forward with legislation and policy like this.

One of the observations made in McCamus—and I didn't make it. The McCamus review committee—let me give you the membership. It was a pretty impressive membership: John McCamus, of course—you've heard him lauded by Mr Bryant; Susan Brenner; Madam Justice Joan L. Lax; Sherry Phillips; David R. Richardson; Honourable Judge Joseph Wilson; and Geoffrey Zimmerman. A pretty impressive panel. They came up with this recommendation in 1997: "Private judicare lawyers should continue to be a primary provider of services." This is a consideration of all aspects, all facets of legal aid.

You see, one of the interesting things where lawyers can't be effectively compared, as in comparing apples and oranges to other professions—and it's been spoken of already today—is that, one, if a criminal justice system is going to have integrity, if even the matrimonial justice system, the family court system, is going to have integrity, it's that a litigant must have access to a lawyer of his or her choice. You're dealing with some incredible sensitivities and very emotional issues around matrimonial issues.

I'll be damned if I'm going to support a proposal where a woman who may have been the victim of violence, who may have been subjected to significant abuse, will have imposed on her as a result of some public defender-style system a lawyer who may be the antithesis in terms of personality and the capacity to provide her with the emotional support and all the other things that she's going to need to survive matrimonial litigation. No, I believe that woman is entitled—I really do—as she should be, to have a lawyer of her own choice, a lawyer with whom she feels comfortable.

You've already heard about the inherent conflict that flows from having a crown attorney and a defence lawyer effectively with the same employer. I told you about the quota system that's been imposed upon crown attorneys. Well, think about it. If you're a public defender in a public defender office with a fixed budget and you have no control over the volume of intake, and you've got a supervisor who tells you that you've got to clear X number of files over X period of time because there aren't more funds to hire more lawyers to handle the extra caseload, what's going to happen? You're going to see dump-trucking, just as with the block fees. It's no mystery why McCamus would urge—not urge but ada-

manly oppose consideration of block fee contracting. "Block contracting should not be used as a means to deliver family law legal aid services," because then you're just going to have an embarrassing cascade of dump-trucking going on where the individual client is very ill-served and where the justice system is equally poorly served.

1730

The Attorney General could end this second reading debate right now. If the Attorney General sent me a note and said that this bill will be sent out to meaningful committee hearings rather than continuing on till the 6 o'clock time limit that's going to be imposed on me, I'd simply put to the Chair that maybe the Chair ought to call the question. That's what I would do, and get this thing out to committee where it belongs. I thought we were making progress. I thought there was some movement, some enthusiasm being generated at least among some of the government members about this bill going to committee. They know there's more than enough people out there ready to appear before committees. Let's start getting into that for just a minute, if you will.

The Ontario Bar Association alone, right off the bat, indicates it has made a substantial contribution to the discussion process with the government over legal aid, indeed over the last 18 months, and has been engaged in good-faith consultations with this government, but with the introduction of this bill, this US-style system's access to justice approach, has found itself shunned by this Attorney General.

I've gotten, as I'm sure other members have—because a whole lot of the correspondence I've got is carbon copies, CCs, of letters being sent to other members. I've got an interesting letter from a lawyer, again so typical of the vast majority of lawyers. A woman practising in Lindsay, Ontario, writes to her MPP, the Honourable Chris Hodgson. She indicates she's writing in reference to "Legal Aid in Ontario.

"I am writing to you directly and on my own behalf, not as a representative of my law association or any other association, regarding legal aid in this province."

These aren't form letters that are being sent. You've got to understand that. This isn't a campaign of having people just fill in the "Dear So-and-So," signed "Sincerely yours, So-and-So." These are people who have been reflecting on the issue, many of whom have been directly involved in the issue, who very much want to be part of the solution.

This lawyer writes, "I am profoundly concerned about the poor level of legal representation to the most vulnerable in our society and the appalling response to same by the Ontario government."

She writes further, "I am sure you are aware of the chronic underfunding legal aid has experienced since its inception. What you have to understand is how drastically this has undermined the legal representation afforded the poor in this province. Not only have fewer and fewer lawyers been engaged in legal aid work in recent years

but the quality of the legal counsel willing to take on legal aid clients has also diminished.”

It’s a frightening observation. I can’t confirm or deny it.

“It is mind-boggling that this government sees a public defenders’ system as the answer to our request for an increase in hourly rates—the first since 1987. Surely you cannot believe that such a system will be cheaper and more efficient? It will not. It will be more expensive and less efficient and the poor of this province will suffer the most.

“My own legal aid practice has diminished over the years as my overhead cut into any excess of income over expenses. I employ three full-time staff and two part-time staff. If I had continued to accept legal aid certificates at the current rate, my expenses would exceed my income. The answer is to reduce my overhead expenses. In other words, let staff go. Is that what the city of Kawartha Lakes needs? More unemployed?”

“I am upset and frustrated and frankly shocked by this government’s response. You know that the lawyers in your riding are not driving limousines paid for by legal aid! I would be happy to convene a meeting with you and the lawyers from this area if you would find that helpful.

“The Ontario government needs to take a step back and reconsider its course of action. What is the main objective? Surely, it must be to aid the poor in this province [to] achieve fair and equal treatment in our courts by utilizing competent legal counsel of their choice.

“I implore you to voice my concerns to your colleagues and our Premier.”

I say to the author of that letter, you don’t need Mr Hodgson to do it; I’ve just read it to them.

That is an illustration, an example, and so typical of the hundreds and hundreds of letters that have been received by myself and, I know, by the Attorney General, because they have indicated on their correspondence to me that they have sent copies to the AG or to their own respective MPP.

I’m putting to you that this lawyer from Lindsay has some important things to say about the delivery of legal aid, the adequacy of its delivery and the competence of the service being provided. I think that’s indisputable. Surely this woman warrants standing at public hearings on this bill. This is the very sort of incredible expertise that’s available out there for this or, quite frankly, any other government when that government is pursuing as radical a reform as it is with Bill 181 today on second reading. So again, if the Attorney General would but slip me a note saying this will go to public hearings, so that people like the author of the letter I just read to you can be heard, can be consulted, can be part of a meaningful process, I can terminate the debate right here and now and put this to a vote for second reading—if the Attorney General were to send me that note.

But I don’t see the Attorney General briskly writing. I don’t see any young page—and they’d be so eager to do it, if the Attorney General would only call on them, wouldn’t you? Any one of you would eagerly rush a

message from the Attorney General over here to me saying, “Kormos, that’s it. We’re going to have public committee hearings. Let’s move on to other business in this legislative chamber.”

Nope. The Attorney General’s digging in his heels again—more confrontational style. We’re coming back tonight. You can’t call this bill again. That’s OK. My concern about this bill is what is being demonstrated by the government now, their total unwillingness to have this go to committee—the messages I’m getting, that are being, let’s say, telegraphed to me, are that we’re going to be having three days of second reading debate and then it will be the same old, same old all over again. The government will type up a time allocation notice of motion, serve it on the opposition House leaders and bingo: time allocation.

Mr John Gerretsen (Kingston and the Islands): Closure.

Mr Kormos: Closure. The guillotine. Stifle any debate. Forbid any scrutiny. Ensure that this legislation gets passed without any public input. We’ve seen it happen so many times. It has become the pattern; it has become the norm. I find that so sad too. I have witnessed time allocation motions from day one since I’ve been here, but they used to be the exception. They’ve become the rule. They used to be the exception; they’ve become the rule. How many bills have we seen—I’ll bet you could count them on one hand—that haven’t been time-allocated in a good seven years here, where the government has permitted but the minimum amount of statutorily required debate?

The other frustrating thing is, that means a whole lot of members of this assembly don’t get to tell their colleagues, and more importantly the folks back home whom they represent, why they are taking a particular position on a particular bill. And more dramatically, it means we, as members of the opposition, don’t have an opportunity to raise concerns and ensure that those concerns get articulated in the press and disseminated by the news media so that folks across the province understand what’s happening here at Queen’s Park.

I’ve got to tell you that around this issue of the so-called legal aid bill, Bill 181, the Attorney General hasn’t been particularly effective at communicating anything other than his dislike for lawyers, his disdain for trained and competent counsel in criminal and family law matters, and his eagerness to generate what will be another huge expensive bureaucracy. The Attorney General hasn’t indicated that it’s going to be cheaper to develop public defender offices. I don’t recall him indicating that at all. He’s going to have an opportunity after I’ve finished speaking because he’s got two minutes in questions and comments when he can contradict me on this. But the Attorney General hasn’t suggested even once that it’s going to be cheaper since Bill 181—let’s get precise—read for first reading on September 30, 2002.

1740

He hasn’t suggested once that it’s going to provide more competent representation. Not once has the

Attorney General dared say that the representation is going to be better in a US-style, American-style public defender system. He hasn't once suggested that a US, highly bureaucratized public defender system is going to result in assisting the courts to operate with more efficiency, one of the hallmarks, one of the buzzwords of this government, or with more integrity, which has not been a buzzword with this government. You understand that. Efficiency has been one of the buzzwords of this government; integrity has not been spoken of particularly often, nor revealed during the course of even cursory examinations.

Maybe during the Attorney General's two-minute response—he's entitled to one—or maybe his parliamentary assistant—who is the Attorney General's parliamentary assistant? My goodness, I'm sure he represents part of the community of London. He hasn't been here for the course of this debate. That's OK. I don't want to make note of his absence because that's not parliamentary; it's not proper. He could be doing any number of good things. I read about the parliamentary assistant, perhaps as he was then, to the Minister of Northern Affairs, in a newspaper this morning, a busy little parliamentary assistant. You know what the busiest thing was about that little parliamentary assistant? It was the gold card. Man, I suppose if you're up in the cold north, as the parliamentary assistant to the Minister of Northern Development, you've got to generate some heat, and if you can do that on the credit card machine, so be it. That was an aside. The parliamentary assistant for northern development clearly was a busy little beaver, because Lord knows, he had the receipts to prove it. I'm not being critical of you, understand that. I'm complimenting you. You were a busy little beaver, a very Canadian sort of thing to be.

Why hasn't the Attorney General gotten up and come clean? Spit it out. Don't hold it back. Let us know now whether this is all futile, whether you intend to persist in your position that there should be no public hearings or that they should be so marginal as to be non-existent.

What are we going to do with this bill? Are we going to have one or two afternoons of public hearings here in the city of Toronto? One afternoon of public hearings, if the House is sitting, means no sooner than 3:30 in the afternoon until 6 o'clock, for two and a half hours on a good day. It's usually more like two hours, and by the time the Chair shows up late, because they inevitably do—they dawdle. Have you noticed, though, that they dawdle more in the hearings where the issues are contentious? The government members who are chairs of committees are so slow getting to that committee that they're like the honey bear in that TV commercial, just plodding. They don't want to have that committee start too soon, because God forbid that people should start debating government legislation, especially if it's government legislation the government isn't particularly proud of.

I'm pointing to you, Attorney General. You're not particularly proud of this legislation, are you? I'm putting

that to you right here and now. Because if you were proud of this legislation, if you had confidence in this legislation, you'd want it to go to committee, and you'd want that committee to be travelling the whole province. If the Attorney General really thought this legislation was as good as he stands up here and tells us it is, he would want to be using that as part of the Conservative re-election campaign in the north, the south, the east, the west, in big-city Ontario and small-town Ontario, in urban Ontario and in rural Ontario. If this Attorney General really thought this legislation was going to do the trick, he'd be proclaiming it across this province. No, not a word about even some modest public hearings here at Queen's Park. The Attorney General is ashamed of this.

Interjections.

The Acting Speaker: Order.

Mr Kormos: The Attorney General knows that he and his government are incredibly vulnerable around this issue. He knows that even with a time allocation, a guillotine motion, a closure on debate—and he's voted for every one of them that he's seen during his time in the House. There hasn't been a time allocation motion that this Attorney General hasn't embraced quickly—I haven't seen him oppose one time allocation motion, not even one. I haven't seen the Attorney General even speak out against a time allocation motion. He has embraced them all. He clearly is part of that group of people here at Queen's Park who believe that debate is not one of the reasons why we're here. He clearly believes that this government should process this legislation, just grease it up and slide it on through, before anybody realizes what's being done to them. No, that's not our job. That's not my job. My job is to expose the inadequacy of this legislation.

Did I tell you that I am going to speak to it today, other New Democrats are going to speak to it on subsequent days of debate and we are going to continue to call upon people out there, the general public as well as lawyers and people with relationships with legal aid clinics, to call upon you, the Attorney General, to have public hearings around Bill 181?

I've got another letter. It's remarkable; the first letter was from Lindsay, Ontario, a lawyer there. The second letter is from a lawyer in Guelph, Ontario. I've got a whole pile of them. I don't have enough time to read them all, but I'm trying to point out to you that unlike, as appears to be Mr Young's understanding—I know he knows where Brockville is. Somebody has impressed him in Brockville, because he said the B-word a whole lot during his press conference when was asked why we need this legislation. He kept saying, "Brockville."

But here's a lawyer from Guelph. It's a letter to the Attorney General himself. I know he's read this letter. It says, "I urge you to refer the recent Legal Aid Services Amendment Act to committee for study. Respectfully, at the present time, in the present climate, the proposed new legislation appears to be nothing more than a knee-jerk reaction by a government with a fiscal agenda. This government has a responsibility to thoughtfully consider

the long-term effects of the proposed implementation of a public defender system in Ontario. Thank you." It's then signed by the author.

Once again, this is just so illustrative. I've got a lot more, if I have more time, of the letters that are being sent to the Attorney General and to other members of this Legislature. Here's a lawyer—I know nothing about her practice; I know that she's in a smaller town, the city of Guelph; it's bigger than Welland but not quite as big as Hamilton or Toronto—who's eager to help, who's out there in the trenches doing legal work on, I'm sure, a daily basis and is working darn hard doing it. I have no hesitation in telling you that. She wants to know why this bill isn't being put to committee for study. Well, I want to know too, but the sad thing is I may know the answer: maybe it is just a knee-jerk reaction by a government with a fiscal agenda.

One of the problems is, once again, the Attorney General has had all sorts of opportunities, he had his press conference—he can just snap his fingers and he's got his little media and spin people setting up backdrops, klieg lights, movie lights and movie cameras. He gets the makeup on out there and has his media people scouring the halls of Queen's Park, grabbing every media person who's not in their most cautious of moments and dragging them down to the media press gallery. Where is the Attorney General's press conference wherein he explains how the American, US-style public defender system is cheaper than the legal aid system that has historically been provided by the private bar? Haven't had that press conference yet, have we, Mr Attorney General?

1750

I've got to tell you: one of the areas of concern is by people who are currently working in the clinic system. The reason for their concern is, just as the 5%, the grossly inadequate 5% proposed increase—well, not proposed; de facto increase in the tariff—didn't involve any new funding by the government, which raided Legal Aid Ontario's own resources, the one thing the Attorney General was willing to share with us, oh, back on September 30, when he introduced this legislation, was that the costing—which he hasn't got yet. The Attorney General has no idea what it's going to cost to build public defender offices, has no idea what the cost is going to be to the government and inevitably the taxpayers of Ontario, but does know that the costs are going to come out of the existing budget of Legal Aid Ontario.

Look, Attorney General, you and I will agree on one thing, and that is that the feds have got to cough up. I have no hesitation in acknowledging that the feds, in terms of legal aid, and especially because provincial Attorneys General—I think I got that right: Attorneys General. I was pretty sure I had it right. I was just sort of playing with myself, albeit in terms of the language—have been persistent in acknowledging that a whole lot of federally originated stuff like refugee and immigration law, amongst other things, has its basis in federal legislation and in federal bureaucracies, yet the province is increasingly stiffed with the tab.

So I have no qualms in joining with the Attorney General—as a matter of fact, as I understand it, you've got a meeting coming up in short order, don't you? You've got a meeting coming up with other Attorneys General and with the federal guys. I want the Attorney General, before he goes there, to report to us and tell us that he is going to be adamant that the federal government fulfill its responsibility and restore its level of funding for legal aid in Ontario. Then this Attorney General can stand up in this House and tell practitioners across this province that there's going to be a meaningful reform to the tariff in Ontario, because to not reform the tariff, to not raise the tariff to a level where lawyers can afford to do legal aid work, is generating the chaos.

The nerve of this Attorney General to oh, so snottily dismiss the lawyers down Brockville way. You as much as called them "another bunch of union goons." I was there at the press conference. I saw the attitude, the disdain being displayed for those lawyers because they wouldn't play ball with you because they were giving you a little bit of a hard time. Well, maybe it's about time you got a hard time by a few more lawyers as well, because Lord knows you've abused and distorted the content of the Criminal Lawyers' Association letter to its lawyers. Why, the Attorney General told that press gallery that lawyers were being instructed to pressure poor people into paying cash.

Interjection.

Mr Kormos: Not the case. Read the letter. Yes, you're reluctant to read it here and now, aren't you? Reluctant to read it.

Interjection.

Mr Kormos: Sure he is. The letter was consistent with what these lawyers have been saying, that they can't afford to do cases on the legal aid tariff.

It's just like the letter I read you. I read you the letter from the lawyer up in Lindsay, Ontario. Have no qualms about that.

Another interesting letter is from a Bay Street law firm. Now, I've got to tell you I'm not familiar with this law firm. I don't get up on to the 25th floor, or whatever it is, very often. Suite 1102. It is on the 11th floor. This is a pretty slick law firm. This has got the thick carpet, I'm sure, and the wood walls and the nice wood panelling and it's got staff people who come and deliver you a coffee while you're waiting or a tea and might even have some big, fat lawyers with big, fat cigars. At the very least, if they don't have the cigars, they've got the Mont Blanc pants, right? You know, the big, black Mont Blancs. They've got them tucked—this is Bay Street.

I read you a couple of letters from lawyers from small-town Ontario. But here's a letter from a lawyer—and once again, a Bay Street lawyer—demonstrating sensitivities to the effectiveness of the tax dollar commitment that would eventually be required to fulfill this Attorney General's fantasy, his US-style fantasy about a US-style public defender system, where you've got offices just loaded to the rafters with file after file after file and little lowly paid public defenders who don't have the resources and the opportunity to upgrade themselves and who end

up having to just plead in case after case. What happens when you get the real tragedies flowing from that kind of system that the Attorney General envisions as oh, so desirable?

So this law firm from Bay Street, and it's addressed to the Attorney General, says that his "announcement to move Ontario towards a public defender justice system is a decision that has been made without public consultation.

"As a taxpayer ... I am very concerned that neither of us will be able to have input into the proposed legislation.

The move away from the current certificate-based system for legal aid will increase costs to the justice system while reducing the quality of service to the public." It will increase costs while reducing quality.

The Acting Speaker: I think that may be a good starting and stopping point, or is it stopping and starting? This House stands adjourned until 6:45 this evening.

The House adjourned at 1756.

Evening meeting reported in volume B.

CONTENTS

Thursday 10 October 2002

PRIVATE MEMBERS' PUBLIC BUSINESS

Solicitors Amendment Act (Contingency Fee Agreements), 2002, Bill 178, <i>Mr Bryant</i>	
Mr Bryant.....	1993, 2000
Mr Martiniuk.....	1994
Mr Gerretsen.....	1995
Mr Marchese.....	1996
Mr Galt.....	1998
Mr Conway.....	1998
Agreed to.....	2007
Collision Repair Standards Act, 2002, Bill 186, <i>Mr Sampson</i>	
Mr Sampson.....	2000, 2007
Mr Kwinter.....	2001
Mr Martin.....	2003
Mr Klees.....	2005
Mr Sergio.....	2006
Mr Wettlaufer.....	2006
Agreed to.....	2008

MEMBERS' STATEMENTS

Government's record	
Mr Gerretsen.....	2008
Mrs Dombrowsky.....	2008
Mr Smitherman.....	2009
Mr Duncan.....	2010
Autism services	
Mr Kormos.....	2008
Lori Barber	
Mrs Munro.....	2008
Oktoberfest	
Mr Wettlaufer.....	2009
Employment in Nipissing	
Mr McDonald.....	2009
Riding name	
Mr Amott.....	2010

FIRST READINGS

Removal of Occupational Barriers Act, 2002, Bill 189, <i>Mr Ruprecht</i>	
Agreed to.....	2010
Mr Ruprecht.....	2010

MOTIONS

Committee membership	
Mr Stockwell.....	2011
Agreed to.....	2011
Committee report	
Mr Stockwell.....	2011
Agreed to.....	2011

ORAL QUESTIONS

Minister's comments	
Mrs Pupatello.....	2011
Mrs Witmer.....	2011, 2013
Mr Hampton.....	2012
Premier's expenses	
Mrs Pupatello.....	2012
Mrs Witmer.....	2012
Mr Tsubouchi.....	2012
Hospital funding	
Mr Hampton.....	2013
Mr Clement.....	2013, 2014
Ms Martel.....	2014
Employer health tax	
Mr Phillips.....	2014
Mrs Ecker.....	2014
Senior citizens	
Mrs Munro.....	2014
Mr DeFaria.....	2015
Education funding	
Mr Kennedy.....	2015
Mrs Witmer.....	2015, 2019
Mr Dunlop.....	2019
Red Tape to Smart Tape conference	
Mr O'Toole.....	2016
Mr Flaherty.....	2016
Access to information	
Mr Hampton.....	2016
Mr Baird.....	2017
Slot machines	
Mr Kwinter.....	2017
Mr Young.....	2017
Hydro rates	
Mrs Marland.....	2018
Mr Baird.....	2018
Mr Bradley.....	2018
School closures	
Mr Marchese.....	2020
Mrs Witmer.....	2020

PETITIONS

Highway 69	
Mr Bartolucci.....	2020
Adoption disclosure	
Ms Churley.....	2021
Long-term care	
Mr Ruprecht.....	2021
Mr Kennedy.....	2021
Mr Gerretsen.....	2023
Competitive electricity market	
Mr Martin.....	2021
Rick Kerr	
Mr O'Toole.....	2022
Education funding	
Mrs Dombrowsky.....	2022

Child care

Ms Martel.....	2022
----------------	------

Ambulance services

Mr Bradley.....	2023
-----------------	------

SECOND READINGS

Legal Aid Services Amendment Act, 2002, Bill 181, <i>Mr Young</i>	
Mr Young.....	2024, 2029, 2037
Mr McDonald.....	2026
Mr Smitherman.....	2028
Mr Kormos.....	2028, 2037, 2038
Mr Klees.....	2028
Mr Bradley.....	2028
Mr Bryant.....	2029, 2038
Ms Churley.....	2037
Mr Colle.....	2037
Debate deemed adjourned.....	2045

OTHER BUSINESS

Visitors

Mr Lalonde.....	2011
The Deputy Speaker.....	2011
Mr Bisson.....	2011
Mr Wettlaufer.....	2011

Business of the House

Mr Baird.....	2020
---------------	------

TABLE DES MATIÈRES

Jeudi 10 octobre 2002

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

Loi de 2002 modifiant la Loi sur les procureurs (ententes sur des honoraires conditionnels), projet de loi 178, <i>M. Bryant</i>	
Adoptée.....	2007
Loi de 2002 sur les normes de réparation en cas de collision, projet de loi 186, <i>M. Sampson</i>	
Adoptée.....	2008

PREMIÈRE LECTURE

Loi de 2002 sur l'élimination des obstacles professionnels, projet de loi 189, <i>M. Ruprecht</i>	
Adoptée.....	2010

DEUXIÈME LECTURE

Loi de 2002 modifiant la Loi sur les services d'aide juridique, projet de loi 181, <i>M. Young</i>	
Débat présumé ajourné.....	2045

CAZON
XI
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Government
Publications



No. 41B

N° 41B

ISSN 1180-2987

Legislative Assembly
of Ontario

Third Session, 37th Parliament

Assemblée législative
de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 10 October 2002

Jeudi 10 octobre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



camera there." People are just going to go through it and cause the accident. We're saying let's deter the accident, let's deter the infraction of the Highway Traffic Act. Let's post it and then if somebody blows it, they have to pay the penalty.

The other thing we said, as far as amendments are concerned, was that this bill gives the Minister of Transportation the ability to decide to extend past the next two years, which would be November 2004, the ability of the municipality to continue its red light initiative. We believe, as social democrats, that this should be a decision that's made by municipalities. We believe municipalities should have the right to police the roads and to be able to do this on their own. They shouldn't have to have permission from the minister every time they want to do this. We believe that municipal governments are responsible, that they would use this initiative where necessary and that they wouldn't do it on a willy-nilly basis.

We're saying it's very important that we get another amendment in the legislation that basically says it is the ability of the municipality to do this and they don't need to have provincial permission to do it. The only condition is that if you do it, the regulation is set out about how it's set up. Again, signage is one of the issues we use.

The other thing I talked about was the need, aside from this legislation, for the government of Ontario to take more seriously an effort to try to deter and divert traffic that is now on our highways. As you drive around Toronto or northern Ontario, we all know that our highways are increasingly under more pressure of traffic. A reason for that is truck traffic and car traffic. One of the reasons we're having more and more traffic is not just that there are more people travelling; it's that we've moved away from using the infrastructure of rail.

I was making the argument the other night that I would call on the government to set up an all-party committee and give it a mandate over an intersession, let's say this winter, to go out and consult the people of Ontario and take a look, by talking to experts in the field, at how we would be able to develop an intermodal transport service when it comes to truck traffic, so that we can get a lot of the container trucks off our highways and put them on the rail beds, and utilize short-haul vehicles rather than having long-hauls on our stretches of highway, both the 400-series highways and highways like Highway 17 and Highway 11.

I explained the other night that we already have some of that infrastructure in place between Montreal and Windsor. There are some intermodal services there. But I believe, as a social democrat, that if we're finding it's OK, by way of the public purse, to pay for the construction of highways, which I support because they are provincial infrastructure, why should we not take the view that similar investment be done for our rail service as a way of developing our infrastructure?

In that way, we're able to make sure that on corridors like Highways 11, 17 and 401, where you already have rail service in place, you're able to deliver some dollars

to develop the infrastructure so that you have some transfer points, so that if a load of lumber is coming out of Kapuskasing or Hearst or wherever it might be, you're able to do a short haul to the rail line. In many cases, the rail line goes right through the lumber mill. For example, in places like Hearst, Kapuskasing and Iroquois Falls, the line is right there at the plant. What you could do is load the lumber on to an intermodal type of flatbed, put it on a train, ship it out to wherever it's going, normally to the United States, or to Toronto, Montreal or wherever it might be, and then off-load it and do another short haul, to bring the traffic off. If we're able to assist in developing the infrastructure, that would keep the costs low enough to allow the rail service to compete in a way that's effective for the shippers and at the same time take some of that traffic off our highways.

We all know that by having heavy truck traffic on our highways, especially roads like Highway 11, we're really shortening the life of those roads by having a lot of truck traffic. I would argue we should be trying to move some of that truck traffic off our highways and putting it on intermodal service.

The other argument I made, and I think it's also what this parliamentary committee should look at, is that we look at how we are able to develop an urban transit system, so that we're able to have people get on trains from places like St Catharines to Toronto or Timmins to Toronto, rather than having people take their cars. Part of the difficulty is that it's often far more handy to get into your car to drive to a point than it is to take GO Transit or the Ontario Northland. The reason for that is that our scheduling and the service itself is not as strong as it needs to be to deflect people off the highway.

Today I went out to a meeting at the Credit Valley Hospital in Mississauga. Just as a quick count, I looked on the QEW and the Gardiner, as I was going there in the back of the cab, at how many of these cars had only one single passenger, the driver; it was about 80% of the cars that I saw. That was at the commuting time of about 9 o'clock this morning.

Why are people driving? Why do we have so much traffic, especially in those areas? It's because it's not as functional for commuters to take GO Transit as it is to take the car, quite often, depending on where they live.

So I would argue that this parliamentary committee could take a look at the issue of developing a policy that not only tries to develop intermodal transport when it comes to shipping stuff off the highways by putting it on rail and doing short hauls, but also looks at passenger rail service as a way of doing interurban transit and longer-distance transit as far as places like North Bay, Timmins, Sudbury, Thunder Bay etc. It would be an opportunity to do that.

I think there are all kinds of examples in Europe and other places, even the United States, you can look at and that we would be able to draw on the experience of what they've done there to build a good system here in Ontario.

I say again, if we're prepared to spend billions, as we do every year, in developing our highway system, cer-

tainly we can put some money aside in order to develop a good rail system that allows people to transport themselves across this province in a way that often makes more sense than the highways.

The Speaker: Questions and comments?

Ms Caroline Di Cocco (Sarnia-Lambton): It's a pleasure to rise and speak and give a couple of minutes on Bill 149, the Red Light Cameras Pilot Projects Extension Act. It's important to understand that in 1998 the Red Light Cameras Pilot Projects Act permitted the use of photographic evidence in proceedings concerning drivers who failed to stop at a red light. It's important for government to play a role in assisting in the safety and health of its citizens.

I just find it a little bit odd that we're spending as much time as we are on Bill 149. It's another one-page act. This has happened before. I just wonder sometimes if the government appears to be running out of ideas of where it's heading in this province. As much as this has the potential, of course, of helping in safety aspects across this province, it's really to continue these cameras that were installed in Ottawa, Toronto, Hamilton, Peel, Waterloo and Halton in the year 2000.

I would have hoped that the government would have done some significant work in other areas, such as looking at schools. I think there's an urgency in the Toronto area these days to look at putting in surveillance cameras at entrances of schools, as we've had so many incidents of intruders in the schools over the last number of months.

But again, this certainly is an act that everyone in this House supports. I would hope the government will show in the coming days that it has an agenda.

Mr Kormos: That was the completion of Mr Bisson's so-called leadoff, the mere hour that a critic is allotted to lead off debate on behalf of a caucus. He started it on Tuesday.

I want to tell you, here we are on Thursday evening—Mr Bisson insisted on being here to complete that lead-off. I told him early this morning, "Gilles, your wife is waiting for you in Timmins. Your daughter is—"

Mr Bisson: I wasn't at that meeting.

1900

Mr Kormos: Come on, this is serious stuff. I pleaded with Mr Bisson, "Don't worry; the mere 10-minute balance of your leadoff is not crucial. Please, Gilles, get yourself back in your riding. It's a long wait at the airport." I pleaded with him, but Gilles Bisson insisted. As a member of this Legislature he has a responsibility as the critic to do his leadoffs and once he starts them he's going to finish them. Whether it's Thursday night or Friday morning or even Friday night, his personal considerations as to him wanting very much to be back home in the arms of his beautiful wife—I know her well—are secondary to his commitment to his caucus and to this Legislature. So I want to commend Mr Bisson for the great sacrifice he's made this evening. As I say, I want to assure his family that I did everything I could to persuade him to get back home. I was prepared to hold the fort

here if need be. I don't mind staying here on a Thursday night. But no, the member for Timmins insisted and we were graced with his comments.

I am going to be speaking to the bill in a few minutes. Let's remember, this is the highway cameras that the Conservatives railed against. I'm going to share some of the concerns I have about the cameras as well, whether they apply to speeding on our 400-series highways or to red-light-running detection.

It's interesting that the government, instead of biting the bullet and simply making these things legal for municipalities to use, has a small piece of legislation here that simply extends the so-called experimental period.

Mr Michael Prue (Beaches-East York): I watched my colleague Gilles Bisson on TV. As always, he is very erudite. As always, he spoke very well.

Particularly, I want to talk about the interurban transit which he relayed in his speech. The interurban transit, for those of us who live in Toronto or the GTA, is probably one of the most important facets of transportation and one that I don't think governments at any level, be they municipal, provincial or even federal, have spent enough time on.

Every day in this city, in the GTA, we suffer from gridlock. We suffer from people sitting in their cars, watching the motors go and cars not going anywhere. What is necessary in our city, what is necessary in the GTA, is getting some of those cars off the highway, and it's a very difficult proposition. People do love their automobiles, there is no question about it, but we need to find ways to get them into trains, into alternate transportation. We need to find ways of making it cheaper and better for people to get into those alternate forms of transportation and off the highways.

The highways will always be necessary, of course, for people in emergency situations. They will always be necessary for us to send trucks and produce along the many arteries of the GTA. But for a lot of commuters who go in regularly at a routine time in the morning and come home regularly at a routine time in the afternoon, there has to be a better way.

I thank my colleague from Timmins-James Bay, all those many miles north, for understanding and recognizing the needs of the people of the GTA, that there has to be a better way than simply building more highways and having gridlock along the 401.

The Speaker: Further questions and comments? Seeing none, the member for his summation.

Mr Bisson: Isn't this interesting? Are you doing questions and comments?

Interjection.

Mr Bisson: That's what I thought. She has not done it. I just think this is rather interesting. Do I detect that you guys all of a sudden are siding with the Tories again?

Ms Di Cocco: Oh, no.

Mr Bisson: Do you want to do questions and comments?

Mr John Gerretsen (Kingston and the Islands): She did questions and comments.

Mr Bisson: No, she didn't.

Ms Di Cocco: I did.

Interjection: And you missed it.

Mr Bisson: Then I apologize. I don't remember. I was here. I remember seeing Mr Kormos—

Ms Di Cocco: I got up. I really was up.

Mr Bisson: My apologies. I'm conspiratorial by nature at times and this must be it. Anyway, my apologies to the member from Sarnia-Lambton, because she did get up. I do remember now. I thought that was earlier this afternoon.

I want to thank the member from Niagara and the member from Beaches-East York for their comments.

Interjection: And the member from Sarnia.

Mr Bisson: Yes. I said the member from Sarnia twice now.

In the minute I've got left, I just want to say again, we are supportive of this legislation. We think it's something that municipalities should have the right to do. We don't believe, however, that the legislation should say, "The minister in two years has to re-sign for the municipality to go another two years." Wouldn't you believe that municipalities should have this as one of the things that they're able to do on their own? We should enable this legislation to give it to the municipalities as far as a right, that they can do it themselves as far as deciding if they want to be able to do this particular initiative.

Again I say—important—we want an amendment that says, "Wherever you install a red light camera, be it on a street corner with a stop sign or a red light, there needs to be an amendment to the legislation that says that it be properly posted." The whole idea is to deter. We want to deter people from crossing through red lights and stop signs, and the way to do that is in posting the signs so people know not to do it, that maybe they'll get caught. It's always the fear of getting caught that stops people from doing it. If you don't post it, then it's a cash grab.

Ms Di Cocco: I'd just like to let the member for Timmins-James Bay know now that I am standing and debating this bill. I know he apologized because he didn't see me at the beginning.

I want to continue this debate about Bill 149 because it is supposed to be about safety, and it's not really supposed to be about raising cash. I think the Canada Safety Council commented on that because they were concerned that it would be just a cash cow for municipalities and an excuse to make a lot of money as they take pictures of people going through red lights. If we think about it, there is some significant aspect to this about what the benefits have been. I don't think we've been able to quantify that, but it certainly is something that at least gives a sense of security to the public. If they think they're going to be caught, if there's a camera up there, they're going to be a little more careful. When they go through a stop sign or the lights, they'll be a little more cautious.

I believe it hasn't been quantified whether or not or how much this does reduce accidents. So I think the jury is still out on that, as to how much safer a stop light with

cameras is compared to a stop light without a camera. I would hope that someone would be looking at this as we're moving forward to an indefinite period of time of keeping these cameras. It says it's supposed to improve safety, and again, I'd like to see it quantified.

One of the areas of safety about the use of cameras that I believe would at least significantly assist students, and I mentioned it in my questions and comments, is in schools, particularly in large schools where you have a tremendous amount of people traffic. We have had too many incidents whereby intruders have gone into schools. It surprises me that we have not moved in that direction or that the government is slow to act in that direction. I certainly would rather have been debating a bill that would include that type of equipment in entrances of schools, particularly in large areas. Safety in general, when it comes to schools, has a lot to do with the amount of traffic, the number of people who are utilizing the facilities. We know that larger schools are not necessarily better and they're not necessarily safer.

One of the things that astounds me is that, although there is all kinds of evidence that small schools are a healthier environment for students to work in and to learn in, we tend to be shutting down all our small schools, and we're on this path of consolidating schools and having larger and larger schools. I believe the safety of students is sometimes jeopardized because of the large numbers. As well, there are a lot fewer janitors in the schools. There are principals who are there only part time. I could go on and on. Unfortunately, the lack of people around to look after the needs of the students has decreased the safety in the schools.

1910

Again, on this act, I was speaking about having empirical evidence or some kind of evidence to say that these cameras actually have qualified that they reduce the running of red lights. Apparently, the Canada Safety Council has said that these cameras do cut red light running up to 60%.

This report was released in May by the United States Department of Transportation, the federal highway administration, and it shows that the red light running violations dropped by as much as 60% at these intersections where cameras automatically enforce the law.

One thing that hasn't happened here is putting some type of sign before you get to the light so that drivers can see it ahead of time. Again, it gives them a warning that there's a light there, for two reasons. One, they can anticipate that there's a camera there. I believe it's also about the right to know that someone is monitoring you or that someone has a camera on you.

Continuing on with this report that suggested that these cameras cut red light running up to 60%, it said, "These results indicate once again that innovation and new technology such as cameras used to prevent red light running can help improve safety." This was President Clinton's and Vice-President Gore's highest transportation priority.

It's interesting. We say that it's about innovation and new technology and it assists us in reducing accidents

etc. One of the concerns I have about cameras, of course, is that we are more and more monitored by cameras everywhere we go, which is fine except that if you don't know you are being monitored, I think it encroaches on people's privacy. I believe there are very few places now where there aren't cameras on you. I know in the Legislature here, and I don't know if anybody knows, all our hallways are monitored, which is a good thing because of the people who come and go, but it's kind of an eerie feeling knowing that everywhere you go, you're being watched. It's like having Big Brother there all the time. I believe that outside the building—again, it's surprising. We had someone's car stolen just at the front of the Legislature, and yet there's a camera. But because sometimes they don't have enough personnel because budgets have been cut—

Interjections.

Ms Di Cocco: I had to throw that in there. But it is true. I guess the camera doesn't go around as much as it should, or it hasn't been monitored as long as it should.

Being monitored all the time, we have the ability now where basically even with our computers—anything you send in a computer, theoretically, is certainly not private. We all know that. They tell me that anything you write by e-mail, you should consider being on the front page the next day; that's how you should format what you write or how you should consider the content of your e-mail.

I was speaking to the member for Mississauga South, and we were talking about the members here. This is a Thursday night—I'm 300 kilometres from home, and many of you are quite a distance from home—and what we have scheduled for us is a bill that's one page long. All our time is being taken—I understand if there's an urgent matter that has to be debated, and we certainly want to be here to debate it, but one of the things I have a hard time with sometimes is these, I don't know if you want to call them games, but certainly this staying in the evening late at night, when in fact it's not as if you're debating a significant change in legislation or something that's controversial. What is even more astounding about it is we've got a bill that all of us agree on. This is not even a bill that—

Interjection.

Ms Di Cocco: Well, one of the things that I understand happens in these cases is that we don't have very many negotiating strategies when it comes to getting some of the major bills for public hearings. Therefore, when agreements are made and then those agreements are broken, the only thing we have is the ability to stand and speak—

Hon Helen Johns (Minister of Agriculture and Food): About nothing.

Ms Di Cocco: Well, you scheduled it. The member says it's about nothing. The member says—

Interjections.

Ms Di Cocco: The member has stated that it is about nothing. I would suggest that the legislation before us—

Interjections.

Ms Di Cocco: —no—and the scheduling of this legislation for this night's sitting have not been my doing. I'm only doing what I am required to do as a member of the Legislature, and that is to debate, as it is my privilege. I believe it is my privilege to debate and to debate for the time that's required on legislation presented by the government.

By the way, I would suggest that it's too bad we don't have substantive legislation coming before this House.

Interjections.

Ms Di Cocco: I would suggest, first of all, that this is a one-page item on a bill and it deals with cameras that are going to be continued for Ottawa, Toronto, Hamilton, Peel, Waterloo and Halton. All I can say is that the bill in and of itself, the content, is very, very short, whereas I bet anything—we have another act called Bill 179. I don't know when it's coming up. It's quite a size. I bet there's going to be closure on this and they're going to have time allocation put on this because, of course, we don't want to take an in-depth look at some substantive changes. I would say that when I looked at this, I saw that there were substantive changes. Some of them are to take out the sections that will take certain areas out of the purview of the privacy commissioner. There are a number of very important changes that are being made here.

This omnibus bill, by the way, is not even a bill that—it's supposed to be about housekeeping, but there are some substantive changes being made within this omnibus bill—

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): It's a small omnibus bill.

Mr Gerretsen: It's an ominous bill.

Laughter.

Ms Di Cocco: It is an ominous bill. And, of course, the members across the way, they make—

Mr Gerretsen: They're laughing at their own legislation.

1920

Ms Di Cocco: They do. They actually are laughing at their own legislation, and it's unfortunate.

I would like to say that this bill, the red light cameras pilot projects, is supported by the Canadian Automobile Association, the Canada Safety Council and 84% of Ontarians—which I think is the most important approval—who support the use of these cameras.

There is just one contentious issue with respect to these cameras, and that is, there's a concern that they are being used or could be used as a cash grab by municipalities, because there are no warning signs being installed along with the cameras; at least no warning that there's going to be a camera, which would give you a bit of a warning before you get to your red lights or your signal lights.

The Canada Safety Council argued that the purpose of these cameras is to prevent collisions, not to generate revenue or simply punish offenders. "Research clearly showed"—and these are their comments—"that if people believe they will be caught, they are far less likely to

offend." We know all about getting caught and the consequences of getting caught doing things you're not supposed to be doing. "Highly visible signs deter drivers from running the light by warning them that they are very likely to be caught."

One of the roles of private members on all sides of the House is to hold government accountable; that is, both government backbenchers as well as all of the opposition members. Why? Because decisions are made by a very small group of people in the executive council, and even smaller within that executive council. So it's always important that we are able to hold one another accountable for our actions, especially when it comes to the expenditure of public dollars. I believe our roles are greatly diminished when any one of us doesn't behave and does not act responsibly in how we conduct ourselves, whether or not it is discovered or whether or not it is raised in the Legislature.

I have to say, in the context of how we do business in this Legislature, it certainly does a disservice to all of us when the government puts down a one-page bill and does not have before us significant legislation that we should be debating. There are many issues in this province that require real intervention.

Today the member from Mississauga South, for the first time in this House, to her credit, stood up, trying to get an explanation about hydro bills. It is a significant hardship across this province that is being created. In my opinion, there has been mismanagement of how we have dealt with generation, if you want to call it, on many fronts. We are now seeing the fallout of this. This summer we have had significant shortages and we had to import a lot of electricity, and now we understand it's probably going to continue. Again, the cost of our electricity is not going to get any better.

Hon Mr Turnbull: What part of the bill are you referring to?

Ms Di Cocco: Significant bills. All I know is that we have here before us a one-page bill, Bill 149, the Red Light Cameras Pilot Projects Extension Act, 2002. It is very difficult. I don't understand why we don't have a significant bill, but I'll tell you, I will take the opportunity, because it is my privilege as a member of this House, to debate the bills that are before us. We are given a time of what we are allowed to debate and I will use all my time to debate because I certainly believe that is part and parcel of my job. Unfortunately, it is the government's prerogative to set the agenda, and the agenda is on a one-page bill, so I will do my part and debate a one-page bill if I need to.

It is an important bill, only because it just allows these red lights. I don't know why it had to be in a bill, even. I don't know why it couldn't have been a regulation. They put everything else in regulation. Anyway, we're debating it and I certainly look forward to hearing the comments of the other members as we move forward in this debate.

The Speaker: Questions and comments?

Mr Kormos: I want folks watching to know that this is live on Thursday night. It's the exception—

Interjection.

Mr Kormos: Well, it is; come on. It's an exceptional thing for a Parliament to sit on Thursday night. This government clearly wants to take head-on the issues of the day. So here we are on Thursday night. It's almost unprecedented in terms of the Parliament sitting, but the government wanted to sit Thursday night; we're sitting Thursday night. Yes, we're debating Bill 149—but one page, but three mere sections. And, by God, we'll debate it till the sun rises. Because, you see, in short order Michael Prue, our member from Beaches-East York, is going to be speaking to the bill, as a former mayor and now as an outstanding member of this assembly.

I want you to know this about Michael. He wasn't scheduled for House duty on Thursday night, and this bill isn't in his area of critic portfolio. Michael has been here since 7:30 or 8 o'clock this morning. He's been in the building all day, working, and I've been watching him throughout the course of the day, and here he is; he insisted on being part of this debate tonight. Didn't I plead with him, "No, Michael, get out of here. You've been here, you've done enough speech debate in the Legislature this week. You've been on your feet every day debating. Michael, no, go home, please. I'm worried about burnout"? But Michael Prue, no. He said, "Peter, if the Tories want to debate Thursday night, Michael Prue is going to be a participant in that debate." He's here tonight. He's here as long as he has to be, and he's here until this Tory agenda is defeated and sent packing where it belongs. Boy, when the going gets tough, Michael Prue is there, as tough and tougher than any of the going ever got.

Mr John O'Toole (Durham): It's difficult to not respond to the member from Sarnia-Lambton, because in the whole bill discussion she realized that it's about furthering the option of red light cameras. But she actually flip-flopped during her debate by saying it was about safety and then it's not about safety. I'm somewhat disappointed. I'm waiting for her two-minute response to see if she can clearly tell the people listening whether she supports it or not. Does she support the whole issue of road safety or not?

Whether or not they agree with all the things we do, road safety is the first priority for our minister, Norm Sterling, as he's sitting here this evening.

I want to comment for a moment. The member for Niagara Centre is always entertaining, and never accurate. But the member from Beaches-East York—he's been here since 7:30 this morning, apparently. I think he should file a grievance. Under the Employment Standards Act he's not supposed to work any more than 12 hours a day. He's passed that. I'll expect a grievance to be filed with Howard Hampton. True to his friends, like—

Mr Bisson: File a grievance with the shop steward.

Interjection: Kormos is the shop steward.

Mr O'Toole: Yes, actually, Peter Kormos is the shop steward.

To me, this bill is substantive, it is important, and this government represents the interest of road safety first. The former Minister of Transportation is here tonight as well, Mr Turnbull, and I know Minister Turnbull wants this to happen.

I want to thank once again the hard work of the volunteers of my riding of Durham. In my riding of Durham, there's a very exciting, very important program. It's called road safety. I think if people refer to my comments made the other day on this bill, they'll see I've listed each and every one of them.

When I first came in and looked at the order paper and it said Bill 149, I felt they were going to be talking about Bill 49. That's my bill that's coming up next week on the use of cell phones while driving automobiles. Bill 49, for those listening tonight, is also about road safety. Tune in next Thursday morning.

1930

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I'm very pleased to be able to stand and offer comments on behalf of my colleague from Sarnia-Lambton. There has been some discussion already in the responses about members who put in yeoman service in this Legislative Assembly. I can certainly say of my colleague for Sarnia-Lambton, I don't know any member who works harder than Caroline Di Cocco for the people that she represents.

Mr Gerretsen: I beg your pardon.

Mrs Dombrowsky: She is. She's a real trouper. We are here on a Thursday night before Thanksgiving and she very generously—it's not usually the case in the assembly that on Thursdays we have out-of-town members in the House for debate. It just so happened that there was a need to have some of our caucus members present, and Ms Di Cocco has very generously offered her time when in fact she might be on her way home to get her Thanksgiving turkey. Perhaps more than Caroline would like to be doing that this evening.

I am pleased to stand and support her comments on behalf of the Liberal caucus. Bill 149 is a good bill. It is something that we intend to support. Also, the member for Sarnia-Lambton on more than one occasion in her comments talked about the privilege to be here and debate legislation that's going to impact the people of the province of Ontario. As the member for Durham indicated, it is an important bill because it will impact the safety of individuals who use very busy intersections in our city.

Before I leave, I commend the member for Sarnia-Lambton, who has given of her time generously this evening. I certainly wish that she, her family and all the members of this Assembly have a good Thanksgiving.

Mr Prue: I listened with some interest to the member for Sarnia-Lambton. Although I must say that the speech did not always stick to point, I admire her tenacity and her courage to the many taunts that came from opposite. She is absolutely right: as a member of this assembly, she

has the right to speak to this issue or any issue that comes before the assembly. She has the right to represent the people of Sarnia-Lambton, and that cannot and should never be taken away. She stood her ground, as I said. She did it quite well and I commend her for that.

She also brought a broad-ranging debate about many government ills, but I think she also brought the debate home about sometimes what is not correct in this House. I sat this afternoon with my colleagues from the Conservative Party, from the Liberal Party, in the Legislative Assembly committee, and we talked about how sometimes what is actually being said in here is not necessarily on point. We were talking about ways in which to make it better. The member for Sarnia-Lambton was on that committee and she's absolutely right: there are many ways to make the debate better.

What she said in a nutshell was correct. She talked about Bill 149 and the fact that these red light cameras are going to save lives. In every place in the world where they have been utilized to date, it has been proven that they save lives. In every place in the world where they have been used, the accidents and the number of accidents at key intersections have been reduced.

There is no real time for study, and I hope to deal with this when I get a chance to debate. There is no real need to study this or to say, "We're having another two-year pilot," or "Leave it up to the Minister." The reality is that they work. This is not a cash grab; it is all about saving lives. If we are serious in this Legislature on speaking to the issue, we must speak to those people who will, between now and two years from now, actually lose their lives at one of these corners.

Ms Di Cocco: I appreciate the comments from the members for Hastings-Frontenac-Lennox and Addington, Niagara Centre, Beaches-East York, and also Durham. I have to say that one of the challenges always in this House is to speak to the topic in a way that is relevant to, if you want to call it, a constructive debate.

One of the things I find is that I'm certainly in support of this bill; my party is certainly in support of this bill. There's no doubt about it. But the point remains that it is—again, we're here on a Thursday night, an unusual time for us to stay here. Normally the House does not sit on a Thursday evening. We are doing so to debate a one-page bill. I don't know if it's because of the importance of the bill that we're debating here on a Thursday night or it's because the government wants to make a point, a point that, well, we're going to sit here anyway, even though we don't have much on the agenda this term. I say that because I value two things: of course I value my privilege to be able to debate in this House, but I also value the time that I can spend with my family, particularly as it's coming close to Thanksgiving weekend. But nonetheless, we all have a job to do.

Again, I'm in support of Bill 149, and I certainly hope that everyone in this House has a happy Thanksgiving this weekend.

The Speaker: Further debate?

Mr Gerretsen: I too would like to debate this bill, although it is a bill that we will be totally supporting. I

think that the people who are listening and watching us out there, and I know we have a relatively devoted group of people, should know what this is really all about.

This is all about tactics and strategy, and they should know that the opposition parties, with the way the rules are currently written, have very little manoeuvrability. It's my understanding that deals were made whereby certain bills would go to committee for a certain period of time and then this bill would be given quick passage. It just didn't happen. At the last minute, the Attorney General decided, no, he was not going to send the public defenders bill to committee; he was going to ram it through without any public hearings. As a result, we are now debating this bill.

I'm sure that the people out there will have great difficulty connecting the two issues, but the two issues are connected, because when House leaders make deals about how the process in the House should proceed, how legislation should proceed, how bills should be discussed in committee and for what length of time public hearings should be held, it usually all is one package. That wasn't the package, and therefore we're debating this bill as the only way in which the opposition can make an effective point.

Having said that, the government is really here on this particular bill here tonight because of its own shortcomings that it allowed to come into the process back in 1998 when the original bill was passed. The original bill is now a part of the Highway Traffic Act, part XIV.2.

It's kind of interesting. When I got this one-page bill, and it talked about the Red Light Cameras Pilot Projects Act, 1998, being repealed and substituted, I immediately went on e-Laws, which is available to everyone who's got the Internet out there, a very valuable service, and I looked under the term "Red Light Cameras Pilot Projects Act," figuring that I'd find it there, because that's the act we're amending in this bill. I didn't find it. It was only after a long period of time and searching and doing all sorts of investigative work that I found out that it was actually part of the Highway Traffic Act.

You could say, "Well, what's the meaning of that?" I think the meaning of it is quite simple. I think the government, when it changes legislation and it makes reference to the old legislation in its new piece of legislation, and in order to allow not only the members here but the general public the right to know what's going on, it should be quite explicit as to what it's doing. In this particular case, I think it would have made a heck of a lot more sense if this act would have talked not about changing the Red Light Cameras Pilot Projects Act but the Highway Traffic Act, part XIV.2. It's a minor point, but I think it's a meaningful point for those people who are really interested in what's going on here and want to follow the debate and see what's happening.

1940

You might say, "How did the government make a mistake," in my opinion, back in 1998? Well, it made a mistake because, for whatever reason, it created a sunset clause in the original piece of legislation back in 1998.

I'll just read you the note to the act itself: "Part XIV.2 is repealed on November 20, 2002," and then it goes into a number of other references. I don't know why that was put in. I have no idea whether or not this is the way in which it was sold at the time to individuals or organizations that may have had honest misgivings about this legislation by basically saying, "We'll try a two-year trial period and then we'll deal with it again." But it could have just passed the act at that point in time, and if the trial didn't work or if the law didn't work out, it could have repealed the law.

So to a certain extent, we are here tonight because, in my opinion, the government was maybe not negligent but at least was somewhat hesitant about putting in this bill in the first place.

As has already been stated by speaker after speaker tonight and the other night when this bill was debated, generally speaking, there seems to be unanimous agreement that this is a good idea, that these red light cameras that allow pictures to be taken of cars that run red lights at some intersections in a number of different municipalities and as a result tickets can be issued from that, has been a tremendous success. I would suggest that it was a tremendous success before 1998 in those jurisdictions where it was already implemented as well, so there was really no trial period needed. But it has been a tremendous success.

It's my understanding that these cameras have been installed in Ottawa, Toronto, Hamilton, Peel, Waterloo and Halton basically at intersections where there were some major problems and where indeed, if memory serves me correctly from the discussion that took place back then, people had been seriously injured or killed. So obviously, there was a great desire to do something about it. Although people may have opinions about whether or not photo radar should be used for different purposes such as speeding etc, I think there was general agreement that photo radar should be used at these intersections where tragedies had occurred.

So they were installed, and I guess it has worked. According to the latest survey, 84% of Ontarians support the use of these cameras at these intersections; it has been endorsed by the Canada Safety Council, the Canadian Automobile Association and a number of other automobile groups as well.

So it has worked, and we're now here to decide whether or not to give it a further extension. At least the government has done the right thing this time by saying, yes, it may be repealed by November 20, 2004—in other words, another two-year extension—but it could also be done at a later date or presumably never. It has overcome the deficiency in the current act that was passed in 1998, which really brings us here today.

The other issue that this raises—and as a former municipal politician, I know that it was always a source of great irritation to municipalities as to the type of activities that municipalities were involved in that had to be brought back to the Ministry of Transportation.

I can recall, and maybe it's still so, at one time just about every stop sign that a municipality wanted to erect

anywhere had to be approved ultimately by the Ministry of Transportation. What you would get is a council deeply concerned about a situation, wanting to erect a stop sign at an intersection, and before it could actually do so, it usually took the Ministry of Transportation some period of time to approve it. I don't know what it was intended to do—as if the municipal councillors, municipal staff and the people who were involved in local transportation issues didn't know what they were doing or weren't quite as smart as the people who worked for the province—but the idea was that none of these signs or road regulations could be put into place without Ministry of Transportation approval.

I think, by and large, the new Municipal Act has at least dealt with some of those situations. Municipalities are now regarded as being something more than what they used to be for many, many years, and that was just as a creature of the province, which was always an interesting kind of terminology.

Quite frankly, taking the stop sign situation one step further, these red light cameras are really the same thing. The question could be asked, why are we here debating a bill like this? Not the merits of the bill, but surely to goodness municipalities and the municipal councils, which are the closest to the people, which deal with the people on a day-to-day basis, should be trusted, now that we're in the 21st century, to make these kinds of decisions without the province getting involved.

If a municipality feels that it wants to install these cameras, at a rather large expense, because of the safety issues the local councils are concerned about, that the local people are concerned about as expressed through their councils, why should we, at the provincial level, be involved with those decisions at all? I would have thought the new Municipal Act that was passed dealt with those issues, or should have dealt with those issues. It will be interesting to see what Mr Prue, the member for Beaches-East York as well as a former mayor, has to say about that.

These are great irritations to local councils. If you're really in favour of giving people who are just as validly elected as we are at this level the authority to deal with problems within their general sphere of jurisdiction, then surely the notion of what kind of stop signs there should be at street corners or whether or not an intersection is busy enough for the general public to benefit from the installation of these red light cameras, should be purely a local decision. If that's not the case, then I would invite the Minister of Municipal Affairs, who tried to move the process along—I believe that. I think he's an honourable individual because, for the first time in many years, he tried to do something about the Municipal Act. I don't think it had been changed in a meaningful way in 40 or 50 years.

Maybe this is another area to look at. I honestly don't believe this kind of issue should fall within provincial jurisdictions. The people at the local level are in a better position to decide whether or not they need these kinds of cameras within their municipality.

That's what this debate is about. It's a bill everybody agrees to. We've heard shouts from the other side, "If you agree with it, why don't you let it pass?" In a total common sense world—real common sense—you would let it pass and we'd get on to the next thing. The problem is that the government calls all the shots, whether it's in committee or in the Legislature.

I would like to see—and I would hope that the legislative committee looking into this will take this into account—us develop a running two-week calendar, so that we know exactly what bills are being discussed on what days, so that the critics or the people who have an interest in those bills can be here on those days, so that the government ministers and the parliamentary assistants can be here, and we can have some meaningful discussions on those bills. I'm sure that people who watch this channel or the proceedings on a regular basis must be totally perplexed by how, at times, we can be talking about relatively minor things for a very long period of time—sometimes for days on end—yet sometimes major initiatives are basically rammed through by the House.

I know what the government will say: "Other governments did it too in the past." Quite frankly, I don't care whether other governments did it in the past. Two or three wrongs don't make a right. Just because things were done in a certain way 10, 20 or 30 years ago doesn't mean that we can't take a look at that now, as we're in the 21st century, and come up with a more meaningful process.

I'm absolutely convinced that the process we're going through right now in this Legislative Assembly, and with respect to all of the committees we have here, is an outdated concept and process, and we'd better start bringing our whole parliamentary process into the 21st century before the public completely loses respect for this institution and all those involved in one way or the other. All indications are that we're rapidly losing the respect of the general public, and it's shown in so many different ways. The number of people who come out and vote in elections at all levels is declining all the time. I think the reason for that is a lot of people basically see what we're doing here as totally irrelevant.

1950

I can remember the first day I was here somebody said, "Just remember, whenever a government gets elected every four years, it's not a Parliament that gets elected, but basically a parliamentary dictatorship." I'm saying that in a very non-partisan sense. I don't care who forms the majority government; there's something dramatically wrong with that. I hope the legislative committee will come forward with some recommendations that will make the role of the individual members a lot more positive and stronger. I like this notion of co-sponsoring bills that members on both sides are interested in. Let's have true votes that aren't along a partisan line.

I know I've taken up a lot of time and I can be accused of stalling the process as well, but I just want to remind

the honourable whip for the government party that if your Attorney General had agreed to a number of days of hearings on the public defenders bill—which is a major change in the way legal services are utilized and given to the people of this province, particularly those people who can't afford to pay—we probably wouldn't be here tonight. That's the real reason, and there's no reason why that shouldn't be said. You can't just say that it's all about this bill. Somehow a lot of these issues are all interconnected. The opposition only has certain ways in which to express, I guess, its frustration, more than anything else.

Finally, then—and I am coming to an end very quickly—let me just ask the government whip if he can maybe give me a reason as to why, in the bill that is being amended in this piece of legislation by extending the red light cameras for another two-year time period, the description as to where you actually find the bill does not match? It makes it more difficult for the general public to know what's going on. It may be a very minor matter, but I think it's absolutely imperative in our system that people who have a right to know what the rules of the game are, what the laws are, should be able to do so in a quick and efficient manner. If somebody can answer that question, I'd greatly appreciate it.

With that, I will finish my remarks. I would hope that the government would see the wisdom of its ways or change its position. When it deals with the other act, the public defender system it wants to initiate—which I'm totally against. I think you should put a lot more money into legal aid. I gave some statistics here this morning indicating that whereas about six or seven years ago there were over 20,000 legal aid certificates issued for civil cases, right now that number is less than 3,000. I heard a debate earlier this afternoon about legal aid certificates in family court and family law. I can tell you, from a practical viewpoint, legal aid certificates aren't being given anymore for family cases. Major decisions are made there that affect the livelihoods of spouses and their children from upwards of 20 to 25 years where people don't have any legal representation. When you're talking about support payments for that period of time, I can tell you you're talking about hundreds and thousands of dollars. Whereas at one time, it used to be a right for an individual to get a legal aid certificate in situations like that if they didn't have the means to pay for a lawyer so they could get good quality representation, those rights are gone. I don't even want talk about the criminal law situation where the same thing applies. There are many, many kinds of criminal offences for which people simply can no longer get legal aid. I think it is a diminishing of the rights that we collectively have had in this province, for that kind of situation to occur.

Why I am bringing all this up in talking to Bill 149? Simply to indicate to the people of Ontario that it's important, it is absolutely imperative that when we change one of the fundamental systems of our legal representation, which is what we're doing in this province, we have lengthy public hearings on it. We may think we're

smart, we make think the ministry people are smart, but there are a whole bunch of other people out there who may have an opinion about a piece of legislation as well, and we want to hear from those people. So we want to have hearings on that. You give us the hearings and we'll stop our debate on this bill that we all agree on. That's the connection between the two.

With that, Speaker, I will not be taking all my time, to show you that I am, hopefully, well intentioned in this as well. You know, before I sit down, I have to compliment the member for Mississauga South. I think that today she asked one of the best questions in the House that I've heard here in this entire session, when she wanted the Minister of Energy to explain why the hydro rates of—I was going to say “her customers”—the people she represented were going up by 50% to 100%, and what could be done about it. It was kind of interesting. She got exactly the same kind of answer that the members of the opposition normally get, which is a total non-answer. But I've got to admire her courage for bringing out that issue, because it's obviously something she is very concerned about.

So let's get on with it. Let's pass this bill, and let's also have at least 12 to 15 days of hearings on the public defender bill that's before us. Thank you very much.

The Speaker: Questions and comments?

Mr Bisson: I would like to introduce a new member who has come across the floor to join our party, Mr O'Toole. We welcome him to our ranks. No, for both sides, we don't want to do that.

To the member for Kingston and the Islands, he made the point that a number of us have made, which is that it's unfortunate that we're here debating this bill at length because, quite frankly, all of us agree this is a bill that should go forward. We do believe there needs to be some amendments done in order to deal with some of the provisions of the bill, but the reason we're here is that we thought we had a deal, as this House goes along, on being able to go to committee on another bill, and for some reason the government has reneged. So we're here tonight. Such are the machinations of this House.

But I want to say to the member, I agree that there are a number of provisions in this bill, and one is that we should say to the municipalities, “This is a municipal responsibility.” They should not have to come back to the province, to the Minister of Transportation, and say, “Please sign off every two years so we can continue to do this initiative in our community.” Municipalities are responsible. Our mayors and councils out there are doing a good job. They are responsible to the people that elected them, and who better to decide if they like or dislike red light cameras than the local citizens by way of keeping their municipal councils accountable? That is the closest government to the people.

The other point I think you mentioned is the whole issue of signage. We need to make sure we put signage up properly so that people know those corners are being surveyed so people are not trying to rush across those lights in the way that they are.

I'm sure that everybody's going to stay tuned. Next week on Thursday we are going to be debating Mr O'Toole's Bill 49. This is a paid advertisement on behalf of the Tory party. This is a recording.

As I was saying, we support the bill. We want it to go to committee. There are a number of amendments to be made and hopefully the government will see fit to do that.

Mrs Margaret Marland (Mississauga South): I don't understand. When the opposition parties agree with the legislation we're debating tonight, which is simply a one-page bill to extend an already existing pilot project on red light usage in certain municipalities, I don't understand why on earth they want it to go to committee. Everybody agrees.

Interjections.

Mrs Marland: No, I'm not. I'm just clarifying that if you're asking that this bill that is before us tonight go to committee, that, I say with respect to the NDP member who was speaking, is absolutely the best example of absurdity I've heard. A bill that we all agree on—

Interjection.

Mrs Marland: I understand that. A bill that we all agree on, and he's talking about sending it to committee.

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): On a point of order, Mr Speaker: I want to suggest that we have an agreement to count this as a sessional day and adjourn debate and the House.

The Speaker: The minister has asked for unanimous consent to adjourn the debate and for it to be a full sessional day. Agreed? Agreed.

Hon Mr Hodgson: Mr Speaker, I move adjournment of the House.

The Speaker: The minister has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

Opposed, say "nay."

In my opinion, the ayes have it. It is carried.

Have a happy Thanksgiving, everyone.

This House stands adjourned until 1:30 of the clock on Tuesday.

The House adjourned at 2002.

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	DeFaria, Hon / L'hon Carl (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiles, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	Galt, Hon / L'hon Doug (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Thursday 10 October 2002

SECOND READINGS

Red Light Cameras Pilot Projects

Extension Act, 2002, Bill 149,

Mr Sterling

Mr Bisson 2047, 2049, 2056

Ms Di Cocco 2049, 2050, 2053

Mr Kormos 2049, 2052

Mr Prue 2049, 2053

Mr O'Toole 2052

Mrs Dombrowsky 2053

Mr Gerretsen 2053

Mrs Marland 2057

Debate deemed adjourned 2057

TABLE DES MATIÈRES

Jeudi 10 octobre 2002

DEUXIÈME LECTURE

Loi de 2002 sur la prorogation des projets pilotes ayant trait aux dispositions photographiques reliés aux feux rouges, projet de loi 149,

M. Sterling

Débat présumé ajourné 2057

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XI
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Government
Publications



No. 42A

N° 42A

ISSN 1180-2987

Legislative Assembly of Ontario

Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Tuesday 15 October 2002

Mardi 15 octobre 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers



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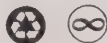
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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 15 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 15 octobre 2002

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

FOSTER FAMILY WEEK

Mr Ernie Parsons (Prince Edward-Hastings): This week is Foster Family Week in Canada. I would like to thank and applaud the thousands of families in Ontario who open their hearts and their homes to the children who require support and care in alternative parenting. I would particularly like to applaud the children of foster parents, because they have made the decision to share their parents, to share their secrets and to share their life with other children who are in greater need. It does benefit them and strengthens them, but it is at some cost to them, so I applaud all the families in Ontario who are prepared to provide this service to our children.

I also call upon the government to do more, not for foster families but for foster children. They can and must do more. There is a dire shortage of mental health services available to foster children in this province. Children who have been abused need that support.

The government must adequately fund a computer system which provides one common database for every children's aid society to access and to know if children move from one area to another.

Lastly, this government must do something for foster children who need post-secondary education. At this instant, they are basically abandoned when they turn 18. The cost of post-secondary education has increased dramatically since 1995. We're seeing children with wonderful abilities, wonderful gifts, not able to fund their course. We cannot waste that resource: we can't waste it for them as individuals and we can't waste it for us as a province. So I call upon the government: do not abandon foster children when they turn 18. Enable them to be successful with a post-secondary education.

KIMBERLY ROGERS

Mr Tony Martin (Sault Ste Marie): Today begins the five-week inquest into the death of Kimberly Rogers, a woman who was banned from welfare and sentenced to house arrest for collecting student loans while on social assistance. Kimberly died while under house arrest. She was eight months pregnant and had only \$18 for food for an entire month.

Ms Rogers had great potential. She proved this by graduating from college with top honours in social work. All she ever wanted was to get a good job as a social worker and to help people.

Persons on social assistance used to be able to go back to school and get student loans to cover their school expenses. People who took advantage of this were applauded for trying to better themselves. But this government changed all that and brought in its sweeping welfare reforms that make it impossible for people to better themselves and break out of the cycle of poverty. Instead, this government has changed the laws to make people who try to better themselves criminals.

It is time this government admits that its welfare policies are wrong. It is time for this government to take responsibility for the effects of its policies and change them so people can better their lives and no one else ends up dead.

Stop the ban on student loans for people on social assistance. Stop the lifetime ban for people found in contravention of the welfare laws. Stop the clawback of the national child tax benefit.

NORTH BAY ECONOMY

Mr AL McDonald (Nipissing): I stand before the House today to talk about economic development in my riding of Nipissing. Last Thursday I attended the 2002 Northern Ontario Business Awards held in North Bay and I was amazed with the progress that has been made with regard to the development of a diversified workforce, and in particular the retention of young people in the north.

According to the judges at the business awards, and I agree, North Bay was once known as a junction for major railways and a military town, but has since adjusted to a changing economic landscape and is branding itself today as an emerging centre of commerce, technology, education, health care and retail, and as a stable environment to raise a family.

North Bay has reeled off successes on a number of fronts, with the creation of 2,300 jobs, expansion of commercial retail space, low vacancy rates, a white-hot real estate market and a relatively stable labour market.

The judges at these awards chose this year's recipient to be the North Bay Economic Development Commission. They've done an outstanding job in creating jobs and in the retention of youth as a priority in Nipissing. I would have to say that they have done a wonderful job this year, and I know they will continue to do so.

Last week in my member's statement, I spoke about job loss in my riding of Nipissing. As I said before, I feel strongly about this because I believe businesses and local entrepreneurs are working very hard to retain people in the north. I'm a firm believer that no matter how hard one works, one can work even harder. It is this determination that will pull us out of job loss and into job creation.

KIMBERLY ROGERS

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): It is indeed a tragedy that today in this province an inquest has begun to investigate the tragic circumstances surrounding the death of a woman who was eight months pregnant and whose only source of income was cut off by this government.

The eyes of Ontario are looking at the Kimberly Rogers inquest to understand how, in this most blessed province, such a tragedy can happen. A woman who tried to educate herself so she could break the cycle of poverty, whose goal was to seek higher education, was banned from welfare for life. Agencies and groups across Ontario will present at this inquest their research about the devastating impact of Tory policies on the poor.

It does beg the question, however, why the Ministry of Community, Family and Children's Services, the ministry responsible for caring for our neediest citizens, has not sought standing at this hearing. A national paper reports that even today the Tory get-tough attitude hasn't waned, at least for the poor. When cabinet ministers break rules, they determine what they will pay back only after they are caught. When a poor pregnant mother breaks the rules, the Tories kick her off benefits for life. It's time the Tories did the right thing and conducted a social audit to determine how many Ontarians are at risk because of this government's "get tough with the poor" policy.

PETROGLYPHS PROVINCIAL PARK

Mr R. Gary Stewart (Peterborough): I would like to advise members of this House of a very special place they might like to visit or tell their constituents about: the Learning Place at Petroglyphs Provincial Park, located in my riding of Peterborough. Petroglyphs Provincial Park holds a very special place in the Ontario parks system. This historic class park is the site of one of the most intriguing and evocative treasures in Canada, the petroglyphs themselves.

The history of this new visitors' centre is a long and fascinating one. This building was erected in 1988 and sat empty due to lack of funding until 1994. I would like to congratulate the team of volunteers from the Curve Lake First Nations community and Ontario parks staff who took the initiative to embark on a mission to construct and install the exhibits in the Learning Place. Provincial and federal funding supported those efforts. The Learning Place has been designed to take visitors

through the teachings of the four directions. They comprise the largest known single concentration of aboriginal rock carvings in Canada.

This project is a testament to what can be achieved through a positive working relationship such as the one between the Curve Lake First Nations and Ontario Parks. I urge everyone to take the opportunity to visit this historical and very interesting site.

MARCY'S WOODS

Mr James J. Bradley (St Catharines): For several weeks concerned residents of the Niagara region have been waiting patiently for their provincial government to come forward with a plan to save Marcy's Woods from development.

Nestled along the shores of Lake Erie, the 284-acre Marcy's Woods is home to the only known old-growth black maple forest in North America, is one of only three old-growth eastern hemlock stands in the entire world, and is home to dozens of rare species of plants and animals, including the grey fox, the flying squirrel, Fowler's toad and the hog-nose snake.

Placed in jeopardy following its recent sale to a Niagara developer, a combined local effort of community leaders from all levels of government has risen to the task of saving the Carolinian forest from the prospect of being bulldozed. Despite their efforts and those of honourable groups such as the Bert Miller Nature Club and the Nature Conservancy of Canada, no guarantees have been forthcoming that Marcy's Woods will remain in its natural state much longer.

Marcy's Woods is a cherished part of the Niagara region's natural heritage, and it is incumbent upon this government to explore every instrument at its disposal that will bolster local efforts to protect this unique and vital forest land.

Time is running out on the woods. I call on Ontario's Minister of the Environment and Ontario's Minister of Natural Resources to step in and preserve this exceptional environmental gem.

1340

OPERATION CHRISTMAS CHILD

Mr Ted Arnott (Waterloo-Wellington): For people who want to share the joy of Christmas with needy children around the world, I want to inform the House about a program called Operation Christmas Child.

I learned about this program through one of its sponsors, St Andrew's Presbyterian Church in Fergus, which is the church my family attends. There recently we were shown a video of children living in the Third World beaming with delight when they received a shoebox full of gifts just for them for Christmas. For many of these children, it's probably their first-ever Christmas gift or the only gift they will receive this year.

My constituents in Waterloo-Wellington may know that this program is also operated through the Elmira

Independent Newspaper. People living in Elmira and the surrounding area can contact editor Gail Martin to find out how they can pick up the shoeboxes and drop them off after they have been filled.

My constituents can also contact the office at St Andrew's Presbyterian Church in Fergus. The church is serving as a drop-off centre as well, and all drop-off centres must receive the shoeboxes by November 16 in order to ensure their distribution before Christmas.

A project of Samaritan's Purse, Operation Christmas Child is celebrating its 10th year internationally. Last year Canadians donated over 700,000 boxes of toys through Operation Christmas Child.

For my wife and me, it's a very special time spent with our three boys, putting together packages of special things we would like to give to youngsters living in places like Central America, Africa and South America.

Be it extra toys from around the house, letters of encouragement, photographs or even personal care items, it's a kind of giving that's needed and that teaches and reminds us of the true meaning of Christmas.

I encourage all members to show their support for Samaritan's Purse and Operation Christmas Child.

GOVERNMENT'S RECORD

Mr Dwight Duncan (Windsor-St Clair): We're entering the fourth week of this session and Ontario's families are wondering what this government's agenda is.

Here's what we know so far: we have a cabinet minister fired for his spending habits at the best steak houses and fancy hotels, all on the taxpayers' dimes. We have a Premier who's living the high life and charging the taxpayer for it. We have a government handing \$10 million over to professional sports teams that happen to be owned by friends of the government—but suddenly nobody knows anything about this secret sweetheart deal for their friends. We have a government that secretly promised 800 slot machines to a top contributor to that party and its members.

What happened to their jam-packed legislative agenda? We have no Safe Drinking Water Act. We have no new legislation on ministerial spending habits. Ernie Eves has no plan for education. The government has no plans for health care. And the Harris-Eves government has no plan for our environment except that one day they oppose Kyoto and the next day they support it.

This is a government with no plan, no focus, no agenda, and most of all, no leadership. They are lurching from crisis to crisis, desperately grasping for a life preserver.

Ontario families want a government with a plan. They want a leader with integrity and leadership who works for them. They want a Premier like Dalton McGuinty. They want a government that will be led with vision and understanding of the complex problems of this issue. Dalton McGuinty and the Ontario Liberals are the only alternative to that bunch that's lurching from crisis to crisis.

LEADER OF THE OPPOSITION

Ms Marilyn Mushinski (Scarborough Centre): I rise today to call your attention to a wonderful fiscal innovation. In the spirit of non-partisanship, I want to give full credit to the Leader of the Opposition, Dalton McGuinty. You see, Dalton has discovered how to spend the same dollar many times over. This fiscal magic is called the "Dalton loonie," or, for short, "Da'loonie."

Let me explain. First the Liberals say they will pump a billion Da'loonies into education. Then Liberals turn around and spend the same billion Da'loonies on day-care. It gets better. They then recycle the same Da'loonie to pay for a new gas pipeline from western Canada so that there will be enough natural gas in Ontario for Dalton to keep yet another billion-dollar promise.

These Da'loonies are environmentally friendly. The same Da'loonie can be reused, recycled and spent over and over again. That way, you can promise voters more and more. No wonder Liberals love Da'loonies. Da'loonies are so popular, I understand there was a move to change the party's name at the Liberal Party's big meeting two weekends ago. To honour their leader, they now want to call themselves the Da'loonie Party. It is a fitting tribute to the man with Da'loonie promises.

MOTIONS

HOUSE SITTINGS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Tuesday, October 15, Wednesday, October 16, and Thursday, October 17, 2002, for the purpose of considering government business.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1348 to 1353.

The Speaker: All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Ecker, Janet	Munro, Julia
Arnott, Ted	Elliott, Brenda	Mushinski, Marilyn
Baird, John R.	Eves, Ernie	Newman, Dan
Bartolucci, Rick	Flaherty, Jim	O'Toole, John
Beaubien, Marcel	Galt, Doug	Parsons, Ernie
Bountrogianni, Marie	Gravelle, Michael	Patten, Richard
Boyer, Claudette	Guzzo, Garry J.	Peters, Steve
Bradley, James J.	Hardeman, Ernie	Phillips, Gerry
Brown, Michael A.	Hodgson, Chris	Pupatello, Sandra
Bryant, Michael	Hoy, Pat	Ramsay, David
Caplan, David	Johns, Helen	Runciman, Robert W.
Chudleigh, Ted	Johnson, Bert	Sampson, Rob
Clark, Brad	Kwinter, Monte	Smitherman, George

Cleary, John C.
Clement, Tony
Coburn, Brian
Colle, Mike
Crozier, Bruce
Cunningham, Dianne
Curling, Alvin
Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Dunlop, Garfield

Lalonde, Jean-Marc
Levac, David
Marland, Margaret
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
McDonald, AL
McGuinity, Dalton
McMeekin, Ted
Miller, Norm
Molinari, Tina R.

Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Tumbull, David
Wilson, Jim
Witmer, Elizabeth
Wood, Bob
Young, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Hampton, Howard
Kormos, Peter

Marchese, Rosario
Martin, Tony

Prue, Michael

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 72; the nays are 5.

The Speaker: I declare the motion carried.

VISITORS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Mr Speaker: My page Teddy here—his parents and his brother are down today, and I just want to take the time to introduce them: Darlene, Axel, and his brother, Matthew. Welcome, and thank you for coming.

The Speaker (Hon Gary Carr): Welcome. Your son is doing a fine job here. You can be very proud of him.

ORAL QUESTIONS

EDUCATIONAL ASSISTANTS

Mr Dalton McGuinity (Leader of the Opposition): My question today is for the Premier. Premier, last week I had the opportunity to meet with parents of Rippleton Public School here in Toronto. They are angry because you won't help their children. At Rippleton there is a JK class with 26 children, starting at three and a half years of age. There is a senior kindergarten class with 27 children. Mrs Fox, their teacher, has been teaching for 26 years. She says she just can't do it on her own. She needs an educational assistant to help. The parents and Mrs Fox are concerned about the safety of the children in that classroom. You have now taken over responsibility of the Toronto school board, Premier. Will you see to it that an educational assistant is on the job starting tomorrow morning?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): The education system in the province of Ontario is working well. As you know, we increased the amount of funding to the system this year by \$557 million. I am confident, as is the Minister of Education, that the three boards that have supervisors are operating well on a day-to-day basis.

Mr McGuinity: Premier, my best advice that I can give to you is that you've got to remove yourself from this place. You have to talk to some real Ontarians about some of the real problems that they have to grapple with day in and day out.

Here are some of the events that Mrs Fox has to deal with daily in her junior kindergarten class of 26 kids: temper tantrums, throwing up, wetting pants, nosebleeds, bumps and cuts, crying, running away. She can't do all this for 26 children and teach them on her own.

By the way, Premier, she's not taking the children outside for recess because she can't, on her own, guarantee the safety of her 26 charges. I'm asking you on behalf of those children and their parents, Premier—you have now taken responsibility for the delivery of public education in Toronto. What are you going to do to help those children, whose education is not only being compromised but their very safety is being compromised?

Hon Mr Eves: The leader of the official opposition is fully aware that staffing decisions are made locally. Those decisions have been made locally for decades in this province and they continue to be made locally, as they should be. I have nothing but the utmost respect for the teaching profession in this province, delivering the services that they deliver on a daily basis to our most important resource, our young people.

Mr McGuinity: There is a hiring freeze in place now at the Toronto school board. They can't do anything without the consent of the supervisor. The supervisor can't do anything without your consent. Apparently you have money for the Blue Jays, you have money for private schools, but you don't have money to make classes smaller and safer.

Here is a specific incident that took place in that classroom just a short while ago. A young boy was vomiting in the classroom while others were crying and throwing tantrums. Mrs Fox directed the sick child to the garbage can while she dealt with the others. The child fell asleep with his head in the garbage can. Fortunately for all concerned, he did not choke. Premier, 26 or 27 three-and-a-half to five-year-olds in one classroom is simply not manageable, and beyond that, it is dangerous. You have now taken responsibility for the delivery of public education in Toronto. I want you to tell me, do you think it is perfectly acceptable for 26 and 27 three-and-a-half to five-year-olds to come under the purview of one single teacher? Yes or no? Is that acceptable?

1400

Hon Mr Eves: The leader of the official opposition will know that we have taken steps to reduce class sizes in the province when for years, I might point out, teachers' unions in this province actually bargained to have—unions; not teachers but unions, and there is a big difference—

Interjections.

Hon Mr Eves: I say to the member for Sudbury, if he doesn't know the difference between Earl Manners and a teacher in the classroom every day, then he'd better get a

life and he'd better get out and see his constituents and people in the classroom every day.

The reality is, we are taking steps to reduce class sizes despite the fact that in some bargaining contracts they've actually asked for larger class sizes so they could get more benefits for the union. We on this side of the House have rejected that out of hand. We are reducing class sizes. We have increased education funding from \$13.86 billion to \$14.36 billion in the time that we've been the government, and we will continue to increase our commitment to public education in the province.

GOVERNMENT'S RECORD

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Premier. I've been travelling the province meeting with real people who are telling me about real problems, and they're looking for real solutions. They are telling me that their kids' classes are too big; they are telling me that the air is making them sick; they are telling me that they can't find a doctor. I put forward a number of plans, on many fronts, which make up real solutions to their real problems. The problem here, Premier, is that you don't have any plan and you aren't offering any real solutions.

When I come back to the House, I discover that your ministers are threatening civil servants, handing out secret tax breaks to sports team, or resigning over expense scandals. The problem, sir, is that you don't have a plan. You still don't know why you want to be Premier. I'm asking you on behalf of the people of Ontario, what is it specifically that you want to do that's going to address real problems faced by real people day in and day out in our province?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): To the leader of the official opposition, seeing as how he has some differentiation between real people and some people whom he I guess describes as not real people, so I guess they're not part of the province of Ontario, every person in the province is a real person and every person in the province has needs that the government tries to respond to on a daily basis.

If he's been out and about as much he says he has been, then I'm sure he will be aware, if he's talked to nurse practitioners in Harrow, Ontario, or smaller communities across the province, that we have some 369 nurse practitioners who in the next 18 months will be practising in smaller communities across the province of Ontario, and that number grows to some 950 in about five years' time. I'm sure he would like to acknowledge that is a step in the right direction, that they provide 85% of primary care that a physician can provide. I'm sure he would acknowledge that that is an appropriate step to take on behalf of those people in those smaller communities, some of those real people he talks about.

Mr McGuinty: Those real people I am talking about are looking for a real plan to be put forward by a real Premier.

Last week, instead of trying to help northerners, your minister Jim Wilson threatened to fire public servants

who were affiliated with parties other than your own. Our public servants are world-class professionals who dedicate themselves to serving the public interest. The right of public servants to hold membership in the party of their choice is protected by law. Premier, this really isn't about your minister's unlawful threats. It's about your lack of standards and your failure of leadership, your failure to put forward real solutions. How can you tolerate this kind of behaviour from this minister?

Hon Mr Eves: I read the quotes that were attributed to the Minister of Northern Development, and they were totally inappropriate. As I understand, the minister has withdrawn those remarks; he has apologized for those remarks. I want to tell you and the other people on the other side of the House that I have always regarded the Ontario public service to be a great professional body that is independent. They are there aside from the politically elected people in the province of Ontario, and I have always valued their contribution and the very important role they play in the public service of Ontario.

Mr McGuinty: Premier, I wonder if you can see the pattern that is evolving here. We've got another ex post facto apology. He's done something wrong and apologizes for it; you say he was wrong and should never have done that.

Then there's the case of the \$10-million tax break in secret. People over there pretend they knew nothing about it. Apparently your Minister of Finance knew something about it all along. Since you were found out, since you were caught, you now tell us that this too is something you should apologize for and that never should have happened. Then there's the matter of Cam Jackson running up expense tabs, again ex post facto—

Interjections.

The Speaker (Hon Gary Carr): I'm sorry, leader of the official opposition. Attorney General, come to order. Quit shouting across, please.

Sorry to the leader of the official opposition. I know he was wrapping up. It was awful noisy. Attorney General, please come to order.

Mr McGuinty: Back to this issue of the pattern, Premier. I wonder if you are taking notice that your ministers are apologizing ex post facto for behaviour that should never have arisen in the first place. The reason that is happening is because of your lack of standards, your lack of leadership, the lack of direction you are setting for your government.

So I'm asking you, on behalf of the people of Ontario, with the greatest of respect: why is it, sir, that you decided to become Premier, and what specifically are you now going to do to address the real problems faced by the people of Ontario?

Hon Mr Eves: Everybody on this side of the House, and I presume everybody in the House, is in public service for the right reason, and that is to try to make the lives of the people of Ontario just a little bit better in their own particular constituency or, if they're fortunate enough to be asked to serve on the Executive Council or in some other capacity, to serve the people that way.

With respect to standards that are being set and leaders of different parties, I would like to know when your honourable member across the way is going to return his pension money as you and your members asked me to do and I'd already done, unbeknownst to you, several months before that. When is that going to happen? Where's the leadership from you on your party on your side of the House?

MINISTER'S COMMENTS

The Speaker (Hon Gary Carr): Stop the clock. The Minister of Northern Development.

Hon Jim Wilson (Minister of Northern Development and Mines): Mr Speaker, I want to make a point of order concerning my remarks last Wednesday in this House concerning the Ontario public service. I think the Leader of the Opposition's comments were a bit unfair there; at no time did I mention the Progressive Conservative Party. However, my remarks were very inappropriate. They were done in the heat of debate, and I certainly shouldn't have made them.

During my 12 years representing the people of Simcoe West and then Simcoe-Grey, and during the last seven years in three different ministries, I have grown to respect a great number of our public servants. They are professional, and they must be free from politics and free from slander—from myself, for example—in order to do their jobs and serve the people of Ontario. So I apologize to any Ontario public servant who might have taken offence at my remarks, and I certainly apologize to the opposition. But I wish they wouldn't bait me. They know I do have a bit of a temper, and it does get the better of me from time to time, Mr Speaker, and I apologize for that.

The Speaker: I thank the minister.

New question?

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. As the Minister of Northern Development and Mines has just admitted, last week he threatened to fire civil servants if they merely did their job and answered opposition questions about how community hospitals could have their budget deficits addressed. That kind of behaviour might go down in a banana republic—it might be justified there—but I don't think it's justified in any democracy. I don't think the effect upon the civil service is justified either.

Premier, this is about your standards. It's about the standards by which your government will operate. Is it acceptable for a cabinet minister to engage in this kind of intimidation and threats when civil servants are merely being asked, "How does our hospital deal with its operating budget?"

1410

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I've already responded to that issue in question period today. The minister, of course, has stood in his place on a point of personal privilege and apologized. He understands that the remarks were inappropriate.

I understand that the remarks were inappropriate. I think everybody does. I understand the frustration that ministers and other members of the Legislature sometimes have, but quite frankly that sort of conduct is inappropriate and it has been retracted.

Mr Hampton: Premier, this is about your standards. It's about the kind of conduct that your cabinet ministers will be able to engage in and that you find acceptable. It was conduct that was intended to be intimidating, that was intended to be threatening. The question that was being asked is a reasonable one. There are 119 hospitals across Ontario that are struggling with inadequate operating funding, and they want to know how they get their operating deficits addressed. The response of your minister was that he promised that if any civil servant in the Ministry of Health answers any of those questions, they will be fired. Premier, is that the standard of your government? Is that acceptable by you? Is that how your government is going to conduct itself?

Hon Mr Eves: I don't believe that is what the Minister of Northern Development said, but I'm sure everybody can check Hansard and see exactly what he did say. His comments were inappropriate.

I value the independence and professionalism of the Ontario public service. I always have. In every single ministry I have been in, I can tell you that the deputy has fulfilled his or her role in a more than forthright and direct manner. We have to have that independence of the Ontario public service, as separate and apart from the elected officials in this place, for the system in Ontario to work properly.

Mr Hampton: The substantive question that was being asked here in the Legislature was, how do those 119 hospitals that have an operating deficit get that addressed? Your government's response at the time was that if any civil servant in the Ministry of Health answers opposition questions on that, they will be fired. That's the only response we've had from your government.

Those 119 community hospitals want an answer other than threats and intimidation. I want to ask you again, Premier: what are the criteria for having their operating deficits addressed? Do you find the behaviour of this minister acceptable? Are you going to allow this kind of behaviour to continue?

Hon Mr Eves: First of all, they get that issue addressed through the Ministry of Health, where it should be addressed. That's how they get the issue addressed.

If you want to talk about independence of the public service, we certainly understand on this side of the House that the independence of the Ontario public service is vital and important. That is more than I can say for the previous New Democratic regime in Ontario, which took a very political person, the principal secretary from the Premier's office, and made that individual secretary of cabinet—totally inappropriate for the independence of the Ontario public service. So I think you might want to look in your own closet before you start looking in others'.

HYDRO DEREGULATION

Mr Howard Hampton (Kenora-Rainy River): My next question is also for the Premier. And the 119 hospitals still want an answer, Premier.

My question is about the container board mill at Sturgeon Falls. As you know, Weyerhaeuser closed their container board mill in Sturgeon Falls last week, laying off 140 workers, but they're going to keep the hydro generating station. They're not going to close it. They're going to keep the hydroelectric generating station and six or seven employees because they've discovered that, under your system of hydro privatization and deregulation, they can make more money by laying off the employees and simply selling hydro at the much higher hydro prices your government has established.

Premier, is this your idea of how hydro privatization and deregulation is supposed to work for northern Ontario communities?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Mr Speaker, I refer the question to the Minister of Northern Development.

Hon Jim Wilson (Minister of Northern Development and Mines): I thank the member for the question; it's an important question. Certainly there are a lot of jobs at stake in Sturgeon Falls, some 128 jobs, and the government is very concerned. The company has made it clear, though, and I've spoken to officials at the company, that it's an old plant and for those reasons they want to close it down. Yes, they do have a hydroelectric project up there that is very successful. The company also wants to make it clear that in no way is that project tied to their decision about this particular plant.

Mr Hampton: Here's the reality: they're going to lay off the 140 workers but they are going to continue to operate the hydro generating plant because they figured out they can make more money selling hydroelectricity under hydro privatization than they can make employing 140 mill workers. They've also indicated that they actually want to increase the generating capacity of the plant from seven megawatts to four megawatts. We've already heard from the two major employers in Wawa, which is surrounded by hydro generating stations, that they don't know if they can continue to operate the sawmill and the gold mill.

Tell me, Minister, is this your image for the northern Ontario economy: shut down the sawmills, shut down the paper mills, shut down the pulp mills, lay everybody off, and make your money selling electricity into the privatized, deregulated hydro market? Is that your vision for the northern Ontario economy?

Hon Mr Wilson: Having met with the mayor of Sturgeon Falls just last week, and a number of people in that part of the north, they certainly have a different take on this; they still have hope that those jobs in one form or another can be saved. They are not giving up on their community. They have a very positive attitude, and they see hydroelectric as an inexpensive, clean form of electricity that may attract new industry to that part of the

north. In many ways, the hydroelectric projects up there are a positive for the creation of new jobs and economic development.

Sturgeon Falls certainly doesn't need any more knocks at this time. It needs the understanding of the leader of the third party, and it needs the promotion of this government and all levels of government to make sure we do what we can for the people who are being laid off and try and get them new jobs.

MINISTER'S COMMENTS

Mr George Smitherman (Toronto Centre-Rosedale): My question is to the Premier. I'd like to return to the subject of the unlawful conduct of the Minister of Northern Development and Mines.

Interjections.

Mr Smitherman: Oh, yes, the Public Service Act. I recommend it; it's a good read.

On Wednesday, your Minister of Northern Development threatened the employment of every public servant in the province who is not a card-carrying Conservative. When confronted with his comments later, he said, "It's not a threat; I promise to do so."

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Mr Speaker: Can I ask for some clarification, if one member can accuse the other member of unlawful conduct?

The Speaker (Hon Gary Carr): You can't say that. I didn't hear it. I'd ask the member to kindly watch his wording on that.

Mr Smitherman: On Thursday—

Interjections.

The Speaker: Order. Come to order right now, government benches.

Mr Smitherman: I'm not used to this heckling, Mr Speaker.

On Thursday, he made matters worse—he said the comments reflected his passion—and today we see this conditional apology: stale contrition at best.

Menacing the livelihood of public servants is gravely serious. Their political rights are protected by the Public Service Act. The minister made serious threats. He must be dismissed from the cabinet. Premier, when will you obtain his resignation?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): To the member for Toronto Centre-Rosedale, he might want to set a standard himself by apologizing for the very inappropriate remark he just made in this Legislature.

Mr Smitherman: Mr Speaker, it seems to me that we all had a feeling in this province that our Premier was pretty lame, but the response that you just gave demonstrates just how lame you are. The conduct that we're dealing with here—

Interjections.

1420

The Speaker: Order. Come to order. You can't use that. It's hard to keep order when you use language like

that. I'll ask you to withdraw that. You can't call the Premier "lame." You need to withdraw that.

Mr Smitherman: I'll happily do that. Perhaps—

The Speaker: Not good enough. No.

Mr Smitherman: I will. I withdraw. Yes, sir.

The Speaker: Don't yell at me.

Interjections.

The Speaker: Order. Come to order, please. The member can't continue. I would ask him to be very cautious in the language he uses. I will be listening very carefully. The member for Toronto Centre-Rosedale.

Mr Smitherman: Mr Speaker, at your suggestion I did withdraw immediately. If I didn't do that in the proper fashion, I apologize to you, sir. No disrespect was intended.

I return to the—

Interjection.

Mr Smitherman: It took him five days, Madam Minister.

I would say that we have heard in this House today an apology that was loaded with conditions, an apology that sought to blame this side for provoking him because of his passions.

I would say to the Premier, in asking this question: I recently got a speeding ticket and I apologized to the police officer, but I settled my account in the eyes of justice by paying a \$111 fine. The apology notwithstanding, I would ask the Premier, will you seek this minister's resignation because of the conduct he demonstrated in terms of disrespect to the democratic process and to bureaucrats—

The Speaker: The member's time is up.

Hon Mr Eves: Nobody suggests that the comments that were made by the Minister of Northern Development were appropriate. He doesn't suggest that, I don't suggest that, I don't think anybody suggests that. He has done the honourable thing. He has apologized. I think that is the appropriate course of conduct, just as your apology today is an appropriate course of conduct.

SCHOOL BUS SAFETY

Mr Bert Johnson (Perth-Middlesex): My question is for the Minister of Transportation. Our children are our most precious resource, and the vast majority of children in my riding of Perth-Middlesex and in rural ridings across the province travel to school each day by school bus. As a matter of fact, 800,000 students across Ontario ride school buses each and every day.

Research tells us that school bus travel remains the safest form of transportation for students. However, I'm sure we would all agree that when it comes to the safety of our children, there's always room for improvement. Minister, can you tell me and my constituents what your ministry is doing to improve safety for our children as they're transported to and from school each day?

Hon Norman W. Sterling (Minister of Transportation): I'm happy that our members are engaged in real issues and real policy discussions.

Safe transportation of our schoolchildren is of course of tremendous importance to each and every one of us, particularly those of us who represent some parts of rural Ontario. Today we are launching our annual School Bus Safety Week campaign to remind everyone of their responsibilities around school buses and school zones, especially drivers who come upon school buses. Our strategy aims to enhance school bus safety through public education of students, parents and motorists and by making all road users accountable for their actions. In fact, Ontario has some of the toughest penalties for drivers committing school bus violations. We seek to improve school bus safety, and we will do that in any way we can that's possible.

Mr Johnson: Public education and increased penalties are certainly important aspects of enhancing school bus safety. However, safety can also be put at risk by an unsafe vehicle, an unsafe bus driver, as well as either inattentive or careless motorists or speeders. People in my riding of Perth-Middlesex would like to know what you're doing to ensure school buses are safe and drivers are appropriately qualified to transport our children.

Hon Mr Sterling: One of the things I would like to do is thank all the school bus drivers who have transported our children safely over the past number of years. We have a tremendous record, and part of that record is due to the fact that we have set high standards for those drivers and they have come through for us. We have licensing standards that exceed those established by the national safety council of Canada. On each driver we ask for a criminal record search to be done, and we re-test our drivers every five years.

We have done a great deal in terms of this area. It is an area that needs continuous improvement and I, along with my colleagues, am open to any kinds of suggestions and changes that would enhance the safety of our children in terms of their transportation in the future. I want to thank all the operators and drivers for the tremendous job they've done for the children of Ontario.

EMPLOYER HEALTH TAX

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Minister of Finance. It has to do with her signed approval of the \$10-million tax break for the Blue Jays and the Raptors.

On April 2 you signed a document that said the Minister of Finance had recommended the \$10-million deal and that the cabinet had agreed to the deal. We've learned since that the Minister of Finance, Mr Flaherty, has said that he never recommended it; in fact, he argued strongly against it. We also have learned that it wasn't approved in cabinet. Many of the cabinet members have said that they were against it and that it was never approved by cabinet. So we have a signed document by you that was seriously wrong on two points. You must have known it was not accurate at the time you signed it, Minister. My question is this: why did you sign a document you must have known was not accurate?

Hon Janet Ecker (Minister of Finance): To the honourable member, I know he doesn't mean to imply what he has just implied.

As Minister of Education, I was asked to sign an order in council to implement a decision. Due diligence was done, the process was followed, I signed the order in council, and as far as I knew and to the best of my knowledge, that was the end of the matter.

Mr Phillips: When you say you did due diligence, I think people have a right to say, "What kind of due diligence did you possibly do?" I say again that the document you signed says "the Minister of Finance recommends." Mr Flaherty has made it very clear he never recommended it; in fact, he was strongly against the proposal. It says that this document you're signing had the "concurrence of the executive council," in other words, the agreement of the cabinet.

You've said you did due diligence on this, but we find that the Minister of Finance did not recommend it, was strongly against it, and that cabinet did not approve it. I ask you again, Minister: why did you sign this document that you must have known, if you did in fact do your due diligence, contained at least two major inaccuracies?

Hon Mrs Ecker: As I said very clearly to the honourable member, I signed an order in council. I was asked to sign an order in council. It is not an unusual step in government of any political stripe at the federal or provincial levels to use orders in council to implement decisions of the government. I signed that order based on the information that was provided to me, and that is as it stands.

SCHOOL FACILITIES

Mr Bill Murdoch (Bruce-Grey-Owen Sound): My question is to the Minister of Education. As you know, when we had the budget there was some talk in it about many of the schools that needed repair, and that maybe some of them across the province needed to be rebuilt. It was also mentioned that nine had been picked out to be done. Also mentioned in the budget was that there was a committee or some sort of organization set up to look at different schools throughout the province. I would like the minister maybe to explain a little bit about this committee and what they're doing.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): We released, in May of this year, grants for school renewal in the amount of \$241 million, in 2002-03 alone. As the member has indicated, we provided funding in order that nine schools that we was simply prohibitive to repair could be replaced. However, we recognize there are many schools throughout Ontario that certainly need repair, so what we're proposing to do over the next two years is to inspect the schools across Ontario. We have provided \$17 million to determine which schools are most in need of repair and then to provide the appropriate funding.

1430

Mr Murdoch: That's fine, Madam Minister, but as you will know, in my area the Bluewater District School

Board has done extensive studies. We had many meetings in the Bruce Peninsula and we had to come to some decisions. We have a high school in Wiarton that, as we speak here today, is practically falling down around the students. This committee has not been there, to my knowledge. I would just like you to explain to the House and to the people in the Wiarton area what is going on and when we can expect some word about when our school will at least get repairs or when a new one will be built.

Hon Mrs Witmer: The round of inspections will be starting immediately. I'm very pleased to say that the Bluewater District School Board, which I think includes Wiarton, has identified two schools that have the most pressing needs. Their number one choice for inspection is the Wiarton high school, because they do believe it is in need of inspection. I believe the inspections will most likely have been completed by Christmas this year, and there will then be information forthcoming about the future of the Wiarton high school.

WATER EXTRACTION

Ms Marilyn Churley (Toronto-Danforth): My question is for the Premier. Your own constituents are outraged over your failure to protect the quality and quantity of their drinking water. Your government is letting a local water bottling company pump more than four million litres of water out of the ground, and that's leading up to the possible extraction of nearly one billion litres per year. Residents in the Mono Centre area are understandably afraid that these massive water takings will dry up their wells, and the local conservation authority is concerned that the creek will be threatened.

The Mono Mulmur Citizens' Coalition has collected more than 8,000 signatures from your own riding calling on you to stop issuing permits to take water in the area at least until the proper scientific studies are done. Will you do what your constituents are asking, and what Justice O'Connor recommended, and start protecting the province's precious supply of groundwater?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I believe the Minister of the Environment has a response.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): This government has taken, I think, enormous steps with respect to Justice O'Connor's Walkerton part one and Walkerton part two recommendations.

You know full well that Bill 175 is designed to protect drinking water in this province. You know that we're doing a source protection examination to determine a bill that can protect sources of water in this province. Water management studies are being done with respect to conservation authorities; a Safe Drinking Water Act is coming forward with respect to that. Nutrient management is a good example of safe drinking water and how we take the water issue very seriously.

For you to stand in your place and suggest we're not handling this—we've said we'll adopt every recom-

mendation from Justice O'Connor that came out of the Walkerton report.

This government is taking the lead to have in the province of Ontario the safest drinking water throughout the world. Once these legislation initiatives have been put through this House and adopted, there is no chance that you will have safer drinking water anywhere in the world than in Ontario.

Those kinds of allegations are spurious—

The Speaker (Hon Gary Carr): The minister's time is up.

Ms Churley: Premier, back to you; I'm talking about citizens in your riding. They're now asking questions that people all over the province want answered and that the Minister of the Environment still did not answer. How much water do we have? How much water is being taken from rivers, lakes and the ground? What impact will it have on our drinking water and ecosystems?

The truth is that you and your Minister of the Environment don't have a clue. You don't have answers to any of those questions because you haven't implemented the watershed planning that Justice O'Connor recommended. Your constituents, and indeed the people of the province, can't wait until you finish patting yourselves on the back for bringing forward a Safe Drinking Water Act that actually is weaker than the bill I brought forward and that says nothing about groundwater protection. You need to take action now on source protection.

So I'm asking you a specific question: will you commit today to bring in a moratorium to stop issuing permits—

The Speaker: Order. I'm afraid the member's time is up.

Hon Mr Stockwell: The site you're speaking about received an application to take water. The ministry received that application for permit of water taking and is conducting studies to determine whether it's allowable. They have allowed a temporary permit to extract a small amount of water at that site to do an examination of the needs and concerns of the community with respect to the amount of water taken.

The answer to your question is very clear: the actual permit to allow them to take water in the volume you're suggesting hasn't been approved because the studies aren't back. So the simple fact of the matter is, they posted that, and they're getting complaints from the area. They're dealing with those complaints and doing the study in co-operation with the company that's seeking the water-taking permit.

So the fact remains that your statement that they're taking millions and millions of gallons of water as of today isn't the case, because the ministry is working on a planned study in the community with a temporary permit to examine the amount of water that is being taken to approve in the future. There has been no conclusive decision taken, and they're doing the responsible thing: they're examining the application, studying it and—

The Speaker: The minister's time is up. New question?

MINISTER'S COMMENTS

Mrs Sandra Pupatello (Windsor West): My question is for the Deputy Premier. Deputy, on Thursday you stood in this House and levelled false accusations against me. What you said in response to my question was that I had been overspending my budget since I arrived here at Queen's Park. Following that question, you had your staff skulk around to the reporters here and tell them that in fact that was false, but you yourself, Deputy Premier, never apologized.

This is not something that just sort of came out by accident. This was fairly premeditated, because you as an individual, who have been here more than 10 years, who have been in opposition and in government, know "full well" that you can't overspend your MPP global budget. You know that information is tabled in this House, and when you get to the end of your cap, it simply stops.

Minister, are you going to do the right thing today and will you stand and apologize for your remarks?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I think what the member is referring to is a rhetorical question that I asked. I would be happy to withdraw the rhetorical question. It was simply a question.

The Speaker (Hon Gary Carr): Supplementary?

Ms Caroline Di Cocco (Sarnia-Lambton): Deputy Premier, that's not the whole story; that's not the end of the story. Staff members from your party have been sending media releases to local newspapers in the southwest, in my riding and others, claiming that other Liberal MPPs have overspent their global budgets. You know these accusations are both impossible and untrue. This issue speaks to the integrity of your government. People of Ontario need to know if they can trust the information their government provides. The information your staff distributed in the southwest is not accurate.

Deputy Premier, will you apologize on behalf of your government for spreading this false information?

Hon Mrs Witmer: I think it's very important that all of us in this House remember the reasons why we were elected. We were elected to serve the people in this province. We were elected to make sure there was job creation in order that we could have the resources to pay for health services and educational services and the protection of our environment.

I believe that it is time that we move forward and that we deal with the issues, the needs of the people in the province of Ontario, and that we move forward in a way that responds to their needs.

MARIJUANA GROW HOUSES

Mr Joseph Spina (Brampton Centre): Talking about glass houses, thank you for sending your press release to my home newspaper. I appreciate it. I got great press. And I got a resounding response of one positive call. Thank you. Good luck.

My question is for the Minister of Public Safety and Security. As we've seen in the media lately, there are many ongoing problems with marijuana home grow houses, as I understand from some of my constituents who have come to me regarding marijuana grow houses in residential neighbourhoods, because of the problems they've had. In fact, I've had four within a block of my own house this past year that have been busted.

Minister, the police and courts are struggling to cope with the volume of these houses, not to mention the damage and danger to our families and characters. Are you aware of this problem, Minister, and what are you doing about it?

1440

Hon Robert W. Runciman (Minister of Public Safety and Security): I want to thank the member for Brampton Centre for the question. I know he has a particular concern regarding this issue, given the recent raids in Brampton neighbourhoods. The police have estimated that indoor marijuana grow houses is a \$1-billion-a-year industry, making it the third-largest cash crop in Ontario. In addition, grow houses steal hydro power. Police estimate these operations are involved in \$18,000 to \$20,000 worth of stolen hydro per grow house operation every year.

More important is the economic benefits these homes supply to criminals, especially organized crime. In two recent cases in Toronto, 632 marijuana plants, worth approximately \$600,000 on the street, were seized. In the London area there have been five busts that collected a total of 713 plants worth over \$1.5 million dollars on the street. Those are obviously large profits for those involved, regrettably with very little consequence.

Mr Spina: I know it's at almost epidemic proportions. Peel regional police tell me they've probably identified close to 170 houses within Mississauga and Brampton alone. The problem is that they need the resources. There have to be a number of measures and it's not just policing. I know it falls within the jurisdiction of the courts and so forth, but what can we do as citizens to assist the police in this process, and what are the measures that have to be taken to stem the tide of this epidemic?

Hon Mr Runciman: There's no question that this is currently a low-risk, high-reward, slap on the wrist business. There are no minimum sentences under federal legislation. In the case of the two Toronto raids, not one of the individuals received a sentence longer than one year, nor did any of them pay a fine greater than \$100. Most first offenders receive jail terms of 30 to 60 days. We clearly need minimum sentences if we want to effectively combat this growing plague in our province. Organized crime is very actively involved. Police services are overwhelmed, and we will be calling on the federal government at the upcoming federal-provincial conference to institute minimum sentences.

SCHOOL CLOSURES

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): My question is for the Minister of Education.

The parents and children in Linden, Sheffield and Dundas are truly losing their faith and patience with you and your government. Ten days ago you told us in this House that it would be school trustees who would make any final decision with respect to closing their schools. No sooner were the words out of your mouth than your board supervisor Jim Murray was quoted as saying, "Right now, I am the board, I am the supreme authority. The board trustees don't have those powers."

For two long, agonizing years, school trustees and parents, using your ministry-mandated process, discussed school closures. After much thought, the board decided that Linden, Sheffield and Dundas schools would remain open. Minister, will you stand in your place today and tell this House that your government-appointed supervisor will not be closing our precious rural schools, and that you continue to stand by what you said to me last week, that only the elected school trustees will make these informed decisions?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): Under normal circumstances, it is trustees in Ontario who make decisions regarding school accommodation reviews, as to where schools will be built to accommodate increases in population and also decisions regarding where schools may be closed in areas where there's a decrease in population. However, since the trustees in the Hamilton area abdicated their responsibility and did not provide a balanced budget, the superintendent is now making decisions regarding school accommodation.

The Speaker (Hon Gary Carr): Supplementary?

Mr Richard Patten (Ottawa Centre): It's a superlord, not a superintendent, by the way, Minister. I attended the first meeting of the one-member, self-appointed, one board member. It was surrealistic, with the director of education looking quite humiliated. While you read out the motion, he reads out the motion, he looks around and says, "Any other staff wanting to make comment? No other staff." Then he says, "Passed." He went through and rescinded decisions on the bylaws on the consultative process. He rescinded the decision trustees had made, a no on three school closures—called that forward; changed the consultative schedule to speed it up to suit his own particular area. This government-appointed superlord wrapped up 100 years of local democracy in five minutes. It's a shame to see that. The parents and teachers were totally embarrassed.

He's making decisions that you and the Premier said would not be taken by him. Will you overturn the decisions related to school closures and special education?

Hon Mrs Witmer: I understand that in Ottawa the supervisor has certainly been hearing people. I understand there is a huge need for schools in some of the outlying suburban areas, and I understand that people in those areas are asking for new schools. It's really important that we keep in mind that in Ottawa we have 18 elementary schools with less than 70% capacity and seven secondary schools as well. These are some of the

issues the supervisor needs to deal with. Obviously, he must respond to the people in the outlying areas of Ottawa who have been demanding new schools for years because their students are in overcrowded accommodations.

AGRICULTURE INDUSTRY

Mr Garfield Dunlop (Simcoe North): My question today is for the Minister of Agriculture and Food. We know the Ontario agri-food industry is a major contributor to the province's economy in terms of job creation and growth. Given that the past year has presented significant challenges for farmers, can you provide us with an indication of how the industry has performed over the past year?

Hon Helen Johns (Minister of Agriculture and Food): I would like to thank the member, and I would like to say that despite this year of depressed commodity prices, poor weather and unfair US subsidies, our agriculture sector continues to display a competitive spirit. In 2001 this province led the country in agricultural production, with total farm cash receipts of close to \$8.5 billion, which translates into nearly one quarter of the total farm gate receipts in Canada.

I want to assure the honourable member, who has a large agricultural contingent in his riding, that this government continues to work at long-term strategies to assist our farmers. That's why we have moved forward with the federal government on \$72.5 million in bridge financing and negotiated comprehensive risk-management strategies this year so that we can be there to protect the agricultural community as they move into the future.

Mr Dunlop: Thank you very much for that answer and for your ongoing support for Ontario agriculture. I can tell you that the agricultural stakeholders in my riding are very pleased with the way you have performed in your position as Minister of Agriculture and Food.

I'm aware that there are more than 1,200 food-processing establishments in our province. How has this important sector of the economy performed over the past year as well?

Hon Mrs Johns: I'm pleased to inform the member that once again, Ontario led all provinces in agri-food exports by shipping some \$7.4 billion in product in 2001. That's quite an accomplishment. Over 70% of these exports were value-added and consumer-oriented. That continues to increase as we move forward.

In the period from January to July 2002 we were up more than 6% over the same period in the previous year, with nearly \$4.7 billion in shipments of Ontario product around the world. That accounted for more than \$800 million in new investments in the agri-food/agri-beverage business in 2001.

We continue to move forward. Last week I worked with OMAF to ensure that we brought industries from all around the world—35 buyers in the retail food chain from the United States and 60 Ontario food processors—

together in Ontario to ensure that we continue to export Ontario product.

1450

EDUCATIONAL ASSISTANTS

Mr David Christopherson (Hamilton West): My question is for the Minister of Education. Perhaps she'd be good enough to take her seat for me.

Minister, parents, trustees, teachers, all the citizens of Ontario are used to your standard operating procedure whereby you cut the macro budgets to school boards, and then, when the trustees are left making impossible decisions you stand in your place and you say, "It's not my fault; it's the trustees' fault. They made that decision."

Tomorrow in Hamilton, you can't play that shell game. We have educational assistants sitting down with your supervisor, not our trustees. You caused a coup d'état in Hamilton. We don't have trustees any more; we have your supervisor. That supervisor will sit down with representatives of over 500 educational assistants. If there is not an agreement, there are hundreds of special-needs children on Thursday morning who will not be able to go to school.

What, Minister, are you going to do to ensure those educational assistants are in the classroom?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): It would be totally inappropriate for me to answer that question during a time of negotiations.

Mr Christopherson: No, Minister. You see, that's not good enough either. The fact of the matter is that you stepped in and said our elected trustees no longer have the democratic responsibility that the citizens of our city gave them. You appointed your own supervisor. As far as we're concerned in Hamilton, it's you sitting at the table. So you are the person we should ask as to whether or not we're going to get agreement.

Minister, you consistently stand up and say that you care about children with special needs, that you care about our families that are facing these challenges. Now's your chance to do something about it, and we're going to hold you accountable.

I call on you again, Minister, to stand in your place and tell us what direction you're going to give your supervisor so that our special-needs children in Hamilton can rightfully attend their classrooms.

Hon Mrs Witmer: I would just respond again, as I did before: it would be totally inappropriate for me to respond during a time of collective bargaining.

POST-SECONDARY EDUCATION

Mrs Marie Bountrogianni (Hamilton Mountain): My question is for the Minister of Training, Colleges and Universities. Minister, it is now a fact: you have underestimated the number of students who will be graduating and applying for colleges and universities. You've underestimated by 30%: up to 11,000 students may not have a

spot. Stakeholder groups have been warning you, the opposition has been warning you, but to no avail.

In the spring of last year, after half-a-billion-dollar cuts over the last five years, you finally put some money in the post-sec budget at the lowest possible estimate of the double cohort. The responsible thing would have been to at least look at the average. Instead, you took the lowest possible estimate. It now looks like the highest possible estimate is the true case.

Minister, we are not fearmongering; we are stating facts. This isn't my research; this is your research that shows this. What will you do in very quick fashion to fix the problem that your government made?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): In Ontario students make decisions about what secondary institutions they attend. Many of them have not yet made those decisions at this time, but we will have a better estimate probably by the end of December.

In response to my colleague and my critic—who actually does a good job in her role, in my view—I would say this: we are looking at a number of scenarios. I cannot base my decisions on anything but the numbers that we get from education, where the students have given us their intentions; in working with the colleges, where they know where the students are coming from, meaning the secondary schools; the universities—last year, university applications increased by 16%, more than many commentators expected, but through broad planning we were able to ensure that—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up. I thank the minister.

Mrs Bountrogianni: Minister, you've just made our case here and the case for the students of Ontario: more than you expected are applying. But it is wrong to say that we have not heard from colleges and universities of the need. It is wrong to say that no one has told you that there will be more students than expected. That's wrong. As late as two weeks ago you were told, but as early as last spring statistics showed that up to 30% won't get in. These are students who have played by the rules, who have worked, who have studied, whose parents have saved, and they will not have a space.

Minister, I know you know that it's too late at the end of December. It takes a year to hire professionals.

Interjection.

Mrs Bountrogianni: What do you know?

It takes an average of six years, \$6,000—

Interjections.

The Speaker: Order. The member will know if you yell those things, it makes it difficult. You may wrap up the question; you've got 10 seconds to wrap up.

Mrs Bountrogianni: It takes approximately \$6,000, Minister of the Environment, just to interview a professor, and I know the minister knows that.

We do have a crisis now. What I'm asking is, how are you going to solve this crisis at this very late date?

Hon Mrs Cunningham: Last year, in spite of the same kinds of questions, every qualified and motivated student found a place in our colleges and universities. More came; we gave them more money. Next year, every qualified and motivated student will in fact find a place in our colleges and universities.

This is a time when we should be supporting our families. It's a time when, in the past, like in the future, parents are concerned. But if the students are motivated and they get the marks, there will be a place for every qualified and motivated student in our universities, as in the past.

Mr Speaker, you're a parent. We have to be reasonable with our young people, and we have to encourage them. Sitting around the breakfast table this morning, after looking at all of the media, I'm sure people will not feel good, but they should, because there will be a space for those students.

ONTARIO INNOVATION SUMMIT

The Speaker (Hon Gary Carr): The member for Lambton-Kent-Middlesex.

Mr Marcel Baubien (Lambton-Kent-Middlesex): Thank you very much, Mr Speaker. I guess I just made the bell.

My question is for the Associate Minister of Enterprise, Opportunity and Innovation. Minister, As you know, on November 5, Toronto will play host to the Ontario Innovation Summit. Apparently, this forum will provide a unique opportunity for participants to explore innovative approaches to improve Ontario's competitiveness, productivity and economic growth.

Interjections.

The Speaker: Order. He's going to get his question. Sorry for the interruption. The member may continue.

Mr Baubien: Are we ready? OK. Minister, can you expand on some of the details of the summit for the members of this House, and also, what role our government is going to play in implementing some of the recommendations that may come out of this summit?

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): I'd like to thank the member for Lambton-Kent-Middlesex for this most important question. The Ontario Innovation Summit will provide an opportunity for representatives of Ontario's companies to hear from international experts on the question of innovation. They're going to have an opportunity to learn from the lessons of other jurisdictions where opportunity has been gained from innovation. Roger Martin, the dean of U of T's Rotman business school, will be the keynote speaker, and he's going to release his task force report, commissioned by our government, on competitiveness, productivity and prosperity. He is measuring Ontario's progress for higher productivity.

Innovation is a priority for our government. We intend to provide a culture of innovation in this province. This is

going to ensure that the province maintains and improves on its competitiveness position in the globe.

VISITOR

Mr Ernie Parsons (Prince Edward-Hastings): In the members' gallery today, I would like to welcome Al Smith. Mr Smith was air crew during World War II, was shot down over France, and spent the balance of the war in Buchenwald concentration camp. It is because of sacrifices by individuals such as him that we enjoy the freedom and democracy we have, and I welcome him here.

1500

PETITIONS

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is a petition to the Legislative Assembly of Ontario and it concerns the multi-laning of Highway 69 between Sudbury and Parry Sound.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I affix my signature to this petition, give it Valerie and ask her to bring it to the table.

RICK KERR

Mr John O'Toole (Durham): It's my pleasure to read a petition from some of my constituents in the riding of Durham.

To the Ontario Legislative Assembly:

"Whereas Rick Kerr has distinguished himself as a dedicated member of Durham College through 25 years of service; and

"Whereas his commitment to student success and professionalism has set an outstanding example for Ontario's college education sector; and

"Whereas his nickname of 'Captain KPI' should in no way diminish his accomplishment of organizing program mapping when no one else would; and

"Whereas Rick's proficiency as a squash player and his status as the most physically fit person on campus has earned him only passing glares; and

"Whereas his commitment to student fashion has made the police foundations program clothing order an international event for the textile industry; and

"Whereas the Kerr family has an outstanding reputation in the community for teaching, and Rick also teaches;

"We, the undersigned, petition the Legislative Assembly of Ontario to recognize Rick Kerr's long service and dedication to the Durham College community."

Many of my constituents have signed this very complex petition. I will as well.

LONG-TERM CARE

Mr Michael Gravelle (Thunder Bay-Superior North): The increase in long-term-care costs for residents of long-term-care facilities is just dreadful. We've had an amazing petition campaign. I would like to read one of the petitions.

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I want to thank Alma Gatien, who put together 486 names on this petition and presented it to me. I'm very pleased to sign my name on behalf of the petition.

Mrs Marie Bountrogianni (Hamilton Mountain): I have over 2,000 signatures here.

"To the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I proudly sign my name to this petition.

CHILDREN'S HEALTH SERVICES

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I have a petition here from concerned citizens of the Rockland and St-Paschal-Baylon area.

"To the Legislative Assembly of Ontario:

"Whereas the Ontario government is shutting down the heart surgery unit at the Children's Hospital of Eastern Ontario; and

"Whereas the closure of this program will restrict the accessibility to life-saving surgery for children in eastern Ontario; and

"Whereas every year CHEO treats 140 cases of seriously ill children close to home; and

"Whereas centralization of children's heart surgery in Toronto would force patients and their families to travel 400 to 600 kilometres away from home at a traumatic time; and

"Whereas there is a waiting list for cardiac surgery in Toronto but not at CHEO; and

"Whereas the people of eastern Ontario demand accessible, quality health care for their children;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately override the government's decision to close this life-saving program and to ensure that top-quality accessible health care remains available to every child in eastern Ontario."

I proudly add my signature to the petition.

NATURAL GAS RATES

Mr Pat Hoy (Chatham-Kent Essex): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore, be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

This is signed by a number of residents from Chatham, Ridgetown, Leamington, Blenheim, Dresden and Woodstock, and I too have signed this petition.

EXCELLENCE FOR ALL EDUCATION PLAN

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): My petition is to the Legislative Assembly of Ontario.

"Whereas Ontario students are experiencing a disruptive learning environment and currently do not have access to a full range of extracurricular activities;

"Whereas extracurricular activities are an essential part of a quality, well rounded education for our students;

"Whereas Dalton McGuinty has put forth the Students First Excellence for All education plan;

"Whereas the Ontario Liberal plan is a reasonable compromise;

"We, the undersigned, petition the Ontario government to immediately adopt the Excellence for All education plan."

I sign this petition.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is another petition to the Legislative Assembly of Ontario, and it deals with the multi-laning of Highway 69. It says:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

Whereas in the last three years, 46 people have lost their lives; and

Whereas this year alone, 10 people have been killed on that stretch of highway between Sudbury and Parry Sound; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of any government to provide safe roads for its citizens, and the Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I again sign my name on this petition and give it to Émilie to bring to the table.

1510

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): My constituents and all the people across the province are furious about the Ontario Energy Board's consent to allow Union Gas a retroactive delivery charge. We have got a remarkable campaign going, with letters of protest and a petition signed by thousands. I'd like to read some of those petitions.

"To the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totaling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board,

its processes and its resources, and make changes that will protect consumers from further retroactive increases."

It has been an effective campaign and the energy board is being reviewed, but I am very pleased to continue to read these petitions and sign my name to them.

LONG-TERM CARE

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term care facilities by 15% over the last three years, or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year, effective September 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for 2002; and

"Whereas according to the government's own funded study, Ontario will rank last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We the undersigned petition the Legislative Assembly of Ontario as follows:

"We demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least the average standard for nursing and personal care in those 10 jurisdictions included in the government's own study."

This is signed by a number of residents from Leamington and Mersea, and I too have signed this petition.

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): More petitions regarding Union Gas, this one sent in by Mrs Diane Cuff:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totaling approximately \$150 million; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board."

I am very pleased to sing my name to this petition.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is a petition to the Legislative Assembly of Ontario and it deals with the multi-laning of Highway 69.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and"

Whereas in the last three years 46 people have lost their lives tragically between Sudbury and Parry Sound; and

Whereas so far this year 10 people have died needlessly in traffic accidents between Sudbury and Parry Sound; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I affix my signature to this petition as I've done in the past and give it to Valerie, our page, to bring up to the table.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Doug Galt (Minister without Portfolio): I move that, pursuant to standing order 46 and notwith-

standing any other standing order or special order of the House relating to Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act, when Bill 60 is next called as a government order, the Speaker shall put every question necessary to dispose of the third reading stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding "deferred votes"; and

That in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Acting Speaker (Mr Bert Johnson): Mr Galt moves government notice of motion 41. Ordinarily we would look to the government for a leadoff and we would go in clockwise rotation.

Debate? The Chair recognizes the member for Glengarry-Frontenac—Hastings-Frontenac-Lennox and Addington. I'm sorry for getting those mixed up.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): That's all right, Speaker. Certainly Glengarry is a beautiful part of the province, but the part of the province that I represent is Hastings-Frontenac-Lennox and Addington.

I rise today to speak to the motion that has been placed on the floor by the chief government whip. I'm very disappointed, again, in my role as the elected voice of the people from my riding to have to speak to a time allocation motion. What that means for the people who are observing these proceedings, for the people who might be following it in Hansard, is that we have a very important piece of legislation that has been placed in this Legislature for debate and the government is saying, "We don't want to hear any more about it. We have one hour to talk about all the reasons why we shouldn't hear any more about the Victim Empowerment Act." That really is the purpose of a time allocation motion.

It is the kind of motion that we have seen in this Legislature, under this leadership—and I use that term very loosely. We've seen on dozens of occasions where there is legislation that has been presented by the government, written by the government—and I believe that we, as members of the opposition, have a responsibility to examine the legislation, to offer those issues around where we believe the legislation is good and to also offer comments about where we think the legislation falls short in meeting the needs of the people in our communities, where possibly there could be amendments to the legislation.

However, the opportunities for members of the opposition to make those points are significantly reduced, hampered, impeded, absolutely taken away when a motion for time allocation is introduced, because it takes away from the opposition that opportunity to offer suggestions to the government about how to make legislation

better, stronger and more relevant for the people we all represent in this Legislative Assembly.

1520

I really am very sad when I have to stand again and talk about how we, as an opposition, believe it's not just about speaking time in the Legislative Assembly, although it is the honour I have been given by the people who elected me to be their voice in this room. I really think it is an affront to that great privilege when, time and time again, we are presented with time allocation motions where the government is in fact saying, "We don't want to hear the voice of those people; it doesn't matter. We have the answer, and we are going to move forward with our agenda."

In my opinion that's not appropriate and it's not the way democracy was set up to work. I think everyone should have a fair hearing. I don't think it's right simply because someone has a majority. Perhaps from time to time, because of the fact that we do have a procedure in our standing orders for time allocation, it is appropriate that when there is a piece of legislation that is very short and very simple and that everyone agrees on and that could not be made better, then it might be appropriate to invoke a time allocation motion. But in my time here I have to say that would be very rare. Given the number of times we have had to stand in our place and talk about how disappointed we are that we are not going to have the opportunity to fully flesh out our ideas in terms of where the legislation could be better, how it could be better, the kinds of amendments that the government might entertain to make it stronger for all the people of the province, I think, is truly regrettable.

It is a very important piece of legislation that the motion impacts. It is Bill 60, the Victim Empowerment Act. It is actually a piece of legislation that will provide more rights to victims of violent crimes than has been the case. I think it is important to note that in that respect our province is playing catch-up to what is already in place at the federal level. The federal corrections system already allows—for example, one of the codicils of the legislation is that telephone calls of prisoners would be monitored. That already happens in federal penitentiaries, so there really isn't anything to argue there. We think that it is in fact past time that that would happen.

However, there was a document that was published in the year 2000. It was a report from the Office for Victims of Crime, entitled *A Voice for Victims*, which made many recommendations to the government in terms of how the government might indeed do what this bill suggests the government would do; that is, provide more empowerment for victims of crime. Just having had some benefit of some of the debate that has taken place so far in the Legislative Assembly, I think it is quite apparent that not all those recommendations have been captured in this legislation.

I think there is room for the government to consider more of the recommendations from *A Voice for Victims* to ensure that victims truly do have recourse, that they do have a say in terms of whether the person who aggrieved

them, who broke the law and they were a party to that—that in fact they are getting what is fairly and duly theirs. It's an area that I think, and a reason why I believe, the legislation certainly deserves more consideration than the government is obviously prepared to offer for it at this particular period of time.

I also have a concern when we talk about victims of violence and victim empowerment that there are victims in the system who may not have been present at the time of the crime but who have played a very important and key role in terms of caring for or the incarceration of the people who have been convicted or are waiting for their trial. They would be the corrections officers in our provincial institutions, in our correctional facilities.

There has been concern expressed that the legislation is not broad enough and does not extend to in any way provide a mechanism for corrections officers to be considered victims. One example: there was an inmate in a detention centre in this province who was given one additional day of sentence for assaulting an officer. That, in my opinion, is not acceptable. It would be tantamount to a student who might strike another student or a teacher in a school. This is the government, I believe, that would suggest that kind of behaviour should not be tolerated—and I'm not suggesting that we would say it should be. But it strikes me as strange that in a school, a youngster could potentially receive a higher level of punishment for the same kind of action that an inmate might perpetrate on a corrections officer and receive an additional day of sentence.

That does two things, of course, in my opinion: it weakens the impression of the public about the relevancy of the judicial system, and it certainly has an impact on the hard-working corrections officers who have the responsibility to put their lives in harm's way from time to time—on a daily basis for many—when they deal with inmates, when they realize that they can be virtually assaulted and the person who would do that would receive only one additional day. It's a problem worth noting. I think it's also worth noting that it's a problem that is more prevalent in privately run institutions, as opposed to those that are publicly run.

So that's another area of concern, that unfortunately we're not really going to have the opportunity for members on this side of the House to discuss fully and debate and to have some comment, rebuttal and so on by the government members because our voice has been stifled with a time allocation motion. We each have a fixed amount of time this afternoon. We will be voting on the time allocation motion at about 10 to six tonight, and that will end any debate, any conversation, any opportunity to offer good suggestions about how to make this piece of legislation stronger and work better for the people of Ontario.

That's what our role is all about. That's certainly what I take my responsibility to be, as an elected member from Hastings-Frontenac-Lennox and Addington and also as a member of Her Majesty's loyal opposition. I take that role and responsibility very seriously. We have here

today a motion that basically thumbs its nose at what our role here is, and that is to focus on making laws that are good, sound and strong.

So I regret very much that it is yet another time that I have to stand and speak on this. I long for the day when the bills that are introduced in this House will be brought forward as laws in the fullness of their time, having had full second reading debate, full third reading debate and committee hearings.

Again, it's another area of contention. We believe that the best laws come from a process where the public particularly, and in this case victims, would have an opportunity to tell us as lawmakers exactly how they feel, to tell us about what parts of the bill really make sense to them, resonate with them, speak to their needs and address their concerns, and also what parts of the bill perhaps we should pay more attention to or look to strengthen. That opportunity is now taken away from us today, sadly, again in the Legislative Assembly.

I can only underscore my disappointment that in a place where I was elected to be the voice of the people and to bring forward cogent points on legislation, I really am required to stand here today and talk about all the reasons why I don't think this is fair—and I don't think it's fair that we have time allocation on Bill 60.

I appreciate the opportunity to make these points.

1530

The Acting Speaker: Further debate.

Mr David Christopherson (Hamilton West): Once again we find ourselves debating a muzzling motion to stifle off debate. It's interesting, Speaker—to remind this House—that House leader meetings have now become pretty much dictation sessions. There was a time in this place when there were actual negotiations happening, real give and take. I raise that because the reason the government says that they have to bring in time allocation is they can't get agreements at House leaders' meetings.

In the time that I was the House leader for the third party, often there was no debate. Whether you wanted to enter into negotiations or not really wasn't the point. The government House leader merely sat there with a sheet of paper and said, "Here's what's going to happen next week." That's about it. There really were no negotiations.

When you take that kind of approach, when you change the rules so that that's really all that's left of the dynamism of this place, then we find ourselves with a government that habitually, and I would say institutionally, brings in closure motions. They just build it into whatever they do. "We'll do the minimum in the House and then we'll ring in a closure motion, we'll shut things down and then we'll move on to the next bill. We'll bring it into the House, we'll have the minimum debate, we'll bring a closure motion, and then we'll move on." That's all that happens around here.

I think there's another reason why this bill in particular is being shut down early, and that's because the government wants to be able to say, "We did something for victims." In fact, they like to say that they're the only

ones who do anything for victims of crime: everybody on this side of the House is soft on crime; all the people on the government side care about victims. They want the people of Ontario to believe that it's that black and white. But they also know that when they open up debate on this issue, they've got to be held accountable for their record. I refuse to let an item go by like this without once again reminding the government members that you're the government that with great fanfare introduced the Victims' Bill of Rights.

Oh, Speaker, to listen to the speeches that came from the government benches, you'd think that they were inventing democracy itself—a Victims' Bill of Rights—you know, trying to match it up against the NDP's Environmental Bill of Rights, which fortunately has survived the axe of this government and continues to serve this province well. But the Victims' Bill of Rights, well, that's quite a different story, isn't it, members of the government caucus?

Notice how quiet it is when we talk about this issue, Speaker? I can understand why. I wouldn't be lifting my head either and trying to draw attention to myself during this kind of a debate, and why, you might ask, Speaker? Because this government, having introduced their great Victims' Bill of Rights, turned around and went to court and argued in front of Judge Day that the two Ontario citizens, two women, who came to the court to have the rights that they were told by this government exist in the Victims' Bill of Rights enforced—they came into court, they went before Judge Day, and they said, "Your Honour"—obviously I'm paraphrasing—"the government told us we have certain rights as victims. To date we haven't received those rights. We are here today, sir, to ask you to order the government to give us the rights that they told us we had."

What did the government do? They sent in their lawyers, government lawyers, to argue in front of Judge Day that those Ontario citizens did not have the very rights that they said they wanted enforced and that this government told them they had. A scathing indictment of this government and their motives and that legislation came from Judge Day when he had to rule, and he said, "I have no choice but to rule that those rights don't exist," because of the way you structured the law. That's how much you care about victims' rights. You stand in your place day after day and you keep telling the people of Ontario that the world is black and white and you're the good guys in all of this, and yet the Victims' Bill of Rights is the best example—also one of the most tragic—of how you say one thing and you do something entirely different.

Can you imagine, Speaker? I certainly think back to the days when we were in government, and I think of the Honourable Bob Runciman when he was exactly where I am now, over here in the third party. He was the justice critic for the Solicitor General and Minister of Correctional Services. Had I been a member of a cabinet that said, "Victims of crime, you've got these rights," and then when somebody went to court to have those rights

enforced I sent in government lawyers to argue, "No, you don't," we'd still be peeling him off the ceiling. And yet this government has the audacity to come in—check some of the speeches. Anybody who is following this, and there are a lot of people who care about criminal justice in our society, take a look at what was said even about this bill.

I ask people, when they do that, to think about those two Ontario citizens who had the temerity to actually take the government at their word. The Attorney General stood in his place and said, "You have these rights," and in court they marched in their lawyers to argue, "You do not have these rights." I say that discredits anything positive that you, the government, want to say about your agenda for victims, because you committed a second crime against them, in my opinion. You used them. You used victims of crime to gain political points. On the surface, it's a political place; fair enough. But to tell people who are the innocent victims of crime that you are giving them rights, knowing full well that in the detail of the law you were not, and when somebody called you on it, you sent in the government lawyers to argue, "No, Your Honour, these Ontario citizens do not have the rights that our ministers said they have," is disgraceful.

I argue that that's another reason why this government wants this off the plate. They want to be able to say, "We passed Bill 60"—that's the debate you're shutting down today—"the Victim Empowerment Act." It sounds so good, and they want to be able to say they passed that bill. They made it a priority, brought it into the House and marched it through. "In the face of opposition to the government we still persevered and fought for the rights of innocent victims." Yes, they want to be able to say that, but what they don't want to do is defend their own track record. Your own track record is disgraceful on this subject, so I'm not the least bit surprised that you want this bill out of here. Then you'll just try to take whatever glory you can from having passed a bill that says "victim empowerment" in the title and hope that nobody looks beyond that.

While I'm on my feet, and given that we are debating a closure motion, a time allocation motion, of course it's the tradition of this place to allow a little bit of latitude in our comments. I want to talk about the victims in Hamilton in terms of the families that could very well be facing a crisis come Thursday morning, when those families that have children with special needs, special challenges, aren't able to send their children to school because educational assistants are out on strike. Why would they be going out on strike? Because this government has decided that the very people, the citizens we hire, to help our children with special-needs function in the classroom are taking on this government and saying, "We deserve to be paid a decent wage for this work we're doing."

1540

Why is it so hard for this government to accept how difficult it is to provide personal human services? Educational assistants: I know there are some people who make

minimum wage and less money than I'm about to announce, but for the education and the responsibility we ask from people who take care of our children, paying them less than \$24,000 a year sounds cockeyed to me. It's OK for your friends to be paid big dollars, but structurally to talk about people who provide personal human services, somehow paying them a decent wage is anathema to this government.

Early childhood educators: the same thing. We know the earliest years are the most influential on our children in terms of their development. Therefore, teachers we hire to look after our youngest citizens during these formative years should be valued in our society, but they aren't; they're among the lowest-paid. They're in the same bracket. I think some of them make less than \$24,000, significantly less.

Home care workers come to mind. Again, if you're providing personal human services or services for the personal needs each of us has at different times in our lives, somehow that's of less value than, I guess—I don't know—working over on Bay Street. I think we've got things upside down. When we look at the future, at the strength of our economy, so much of it's built on value added. What that means is that our society can provide an added value to the production of anything, whether it's an actual thing or a service, because we have people who are so well-educated. They're healthy, they lead positive, balanced lives and they're able to bring to the workplace something that is better than and more than and of more value than other societies. We can't do it solely on our natural resources. We certainly can't do it, contrary to this government's thinking, by paying the working people of Ontario less than anywhere else. If you ever need an example of how that doesn't work, take a look at Mexico.

Mr Bob Wood (London West): Incomes are up—

Mr Christopherson: Hang on; just hold on for a second. Boy, we got off victims' rights and suddenly he gets animated. We'll go back to victims' rights if you want to play heckle.

Mexico: there were thousands of jobs that were lost out of Canada, out of Ontario, out of my hometown of Hamilton—and Allen Industries comes to mind—that went to Mexico. Why? Because the Mexican workers were paid so little that ultimately it was a wise investment strategy for the corporation to say, "We're going to shut down the operation in Hamilton and we're going to move it to Mexico."

That was about 20 years ago, but do you know what's going on now, and do you know why that kind of approach cannot work for us? Because now there are Mexicans in southern Mexico who are working for less than the Mexican workers in northern Mexico, which is where our jobs went from Hamilton, and now they're being laid off and production is either relocating or new investment is taking place in southern Mexico because those workers are being paid even less. We can't win that game, nor should we even be in it.

The reason we have one of the strongest, most effective auto industries and steel industries in all the

world is the value added that Canadian workers bring to the task. I raise that to take us right back to the point that if therein lies the future for our competitive edge as an economy and ultimately as a society—assuming we spend the fruits of those labours properly—then it makes a great deal of sense that we would put investment in those things that will most improve the quality of life of ordinary citizens, from childhood all the way through to a post-secondary education system, that allows the poorest Ontarian, with the smarts and the ability and the wherewithal to go as far as they can.

Yet, early childhood educators make nowhere near a reflection of the contribution they make—yes, let's be crass—to our economy, never mind the love, compassion and care they bring for our children. If that doesn't move you—it should, but if it doesn't—then the economics alone ought to do it. Instead, they make a fraction of what they're worth, of what their value is to us and to our future.

It's exactly the same thing for our educational assistants—the very individuals who may have to go out on strike Thursday morning because they can't get a decent collective agreement from this government. This time, as I mentioned during question period, you can't say it's the local school trustees, that it's their decision to make, as you did about so many other things: school closures, cutbacks in transportation, cutbacks in maintenance in the schools, all those things where you said, "Well, yes, we may have cut the macro dollars, that may be true, but it's the local trustees that make these decisions, and therefore we're not responsible; it's those horrible school trustees you have. That's your problem."

Well, they can't do that this time, because this time the school trustees aren't at the table. Why? Because essentially you fired them and you appointed somebody, a supervisor, to run our entire education system. Anywhere else, that would be a coup d'état. That would be a coup d'état anywhere else. But somehow this government—and, you know, it's not the first time we've been through this with these clowns. We've been through this with these guys before. They've done it with our health care system—

Mr Steve Gilchrist (Scarborough East): Those poor trustees.

Mr Christopherson: I hear the member saying, "Those poor trustees." It's too bad Hansard can't reflect the tone and the attitude that was put to those very words, because they always want to blame somebody else; it's always somebody else's fault. Well, my point today is, it is not somebody else's fault; it's your supervisor. They're there under your marching orders; they are there to do your bidding. I might add that having supported our trustees and then standing up to you—and I know my colleague from Hamilton Mountain, who is in the House also, supports the trustees in standing up and saying, "We have done so much to our system"—

Mr Gilchrist: On a point of order, Mr Speaker: In the preamble of this member's comments, he bemoaned the fact that there wasn't enough time to debate the bill

before us on victims and parole issues and the like. Perhaps the member could stay on topic.

The Acting Speaker: That is not a point of order. The Chair recognizes a member for Hamilton West.

Mr Christopherson: Thank you, Speaker. Victims are victims and, come Thursday, if there isn't a resolution to the issue I am raising, we are going to have a whole lot of families and a whole lot of children who are the innocent victims, again, of your system. While the member laughs and scoffs, let me tell you, come Thursday morning, about not only the disappointment of those children who can't be in their classrooms but the amount of pressure that's going to put on family members, who will have to suddenly find a way to deal with the need for care for those children because they're not going to be in the classroom.

Interjection.

Mr Christopherson: I can appreciate that the rich friends of the member doing all the hollering could just pick up the phone and hire whomever they want. But most of the people who are going to be affected Thursday morning, if there isn't an agreement with the education assistants, can't afford to do it. If they don't have a union and a collective agreement that provides them with the right to take family days and crisis days, then we don't know what those parents are going to do.

So victims abound in this issue. You can do something about it, and this time we're not going to let you hide. We're not going to let you play the shell game that, "It's their decision. We didn't do it. Blame them. We're nice people; they aren't. You've got incompetent trustees," all those usual answers. You can't do that this time because the person sitting on the management side is not the duly democratically elected representative of the city of Hamilton. It's your dictator. He will be the one sitting at the table making all the decisions. So as I said earlier today, that means you are accountable. If it's your appointee, then you, the government, and you specifically, the Minister of Education, can't blame anybody else.

1550

You know the \$16 million that I talked about earlier and that I said our school board trustees refused to implement because of the serious damage it would do to the education system? This supervisor—and this has nothing to do with the individual, with the person, but the position—is going to cost our system hundreds of thousands of dollars for his pay, his expenses, his public relations person and any other administrative staff that he would need or any other experts that he might hire on a contract. Every penny of that money that's now been added to the bill in Hamilton has to come out of our education system to pay for.

You said that our trustees were irresponsible, and a lot of other things too, in not passing a balanced budget, which would have meant that those further \$16 million in cuts would have to be implemented. So you brought in a supervisor and you said by your action that you don't think trustees can do this, that it's really a simple matter of being more business-minded, being more responsible,

sharpening your pencil, and that all it would take is some real leadership. So you brought in this individual and gave him all the power that used to reside in the democratically elected trustees. Do not tell the people of Hamilton, therefore, that you are not personally, as the Minister of Education, responsible for everything that happens at that bargaining table. By extension, you are responsible if those Hamilton children with special needs are not in the classroom. You are responsible. All your protestations to the contrary, you're responsible.

Interjection.

Mr Christopherson: You don't have your whipping boys any more. You don't have scapegoats any more. You fired them.

OK, you proved the fact that a majority government can do anything it wants. You proved that point. But with that comes responsibility. Those hundreds of thousands of dollars that are going to be cut in addition to the \$16 million, all as a result of your cutting back funding, are your responsibility.

Interjection.

Mr Christopherson: Do you know how many educational assistants—

The Acting Speaker: There are two things going on that won't much longer. One is the heckling. The other is, of course, that the debate is getting a little bit off government notice of motion number 41. I've been listening attentively to the member and I'm sure he's going to bring it into topic and into subject. I'll wait a little bit longer for that. There will be no heckling.

Mr Christopherson: Thank you, Speaker. I appreciate your comments. Of course I am trying. I thought I was limiting my remarks to the appropriateness, which is a time allocation motion which allows members far great latitude in talking about why this is unacceptable. We've been talking about victims; I'm talking about victims; and we've been talking about the attitude and the arrogance in this government. I'm pointing out that that's exactly what's happening in the education system in Hamilton as a direct result of the same government that's put the motion of time allocation on the floor today. I realize that there are government members who don't want that connection to be made. Tough; I'm going to make it.

The fact of the matter is, you've taken over total control of the Hamilton education system and you're going to answer for what happens in Hamilton. Right now we're on the brink of a major crisis. Tomorrow, the leadership of OPEIU Local 527 will sit down in mediation, in an attempt on their part to avoid a strike and a withdrawal of services Thursday morning.

My whole point here today is now, and has been during question period, that the Minister of Education has total and 100% responsibility for whatever happens or doesn't happen at that negotiating table tomorrow. If those educational assistants are not on the job and there are children with special needs at home Thursday morning, it is her fault and her responsibility. It's about time you started taking those responsibilities as seriously as you do getting yourselves re-elected.

Mrs Julia Munro (York North): I will speak to the issue of Bill 60 and time allocation.

For far too long, the needs of victims of crimes have been ignored in the criminal justice process. Our predecessors and the federal Liberals have done everything to see that inmates are well cared for and live comfortably at the expense of taxpayers. While inmates live in their luxurious condos and have parties in the pens, victims continue to suffer. We think it is a slap in the face to victims for this to be allowed to carry on, and a slap in the face of Ontario taxpayers who are paying the bill.

Since 1995, this government has made victims of crime its priority. The government has supported victims through all stages of the legal process by creating the Victims' Bill of Rights, expanding victims' programs, making it easier to bring civil suits against defenders and by launching an Office for Victims of Crime staffed by crime victims and front-line justice professionals.

Creating the Victims' Bill of Rights was, in 1995, one of our first orders of business. This bill exemplifies that not only do we agree victims have rights, but more importantly, these rights should be formally enshrined.

This past year, as part of the victims' justice action plan, the Office for Victims of Crime, also established by this government, became a permanent advisory agency to advise the Attorney General on ways to ensure that the principles set out in the Victims' Bill of Rights are respected.

We don't profess to understand and know everything that victims need. That's why the Office for Victims of Crime is staffed by crime victims and front-line justice professionals. They are the ones who know first hand what the real issues are, and they are in the best position to advise us.

The Office for Victims of Crime also provides advice with respect to the development and implementation of provincial standards for victims of crime; the use of the victims' justice fund to provide and improve services for victims of crime; research and education on the treatment of victims of crime and ways to prevent further victimization; and finally, matters of legislation and policy on the treatment of victims of crime and on the prevention of further victimization.

By establishing a victims' support line and notification services, victims can now be kept informed of the status of the offender who victimized them. Victims who register with this service will now know the status of the offender: whether he or she is in custody, or if and when he or she will be released.

1600

This technology puts Ontario at the forefront of victim initiatives. The service assesses the ministry's offender computerized database. This, in turn, provides additional checks and balances to ensure that accurate and timely updates of data are available for notification purposes.

Yes, this government has been steadily making changes to give victims, finally, the voice they deserve. However, it isn't enough. Our work is not finished.

The bill we are discussing today furthers the government's commitment to strengthen the voices of victims

and provide them with more protection. This bill reflects the several consultation sessions that were held with 25 stakeholder agencies and organizations where their input was sought.

It also includes issues with regard to victims at parole hearings. Under the proposed legislation victims would be allowed to participate in hearings conducted by the Ontario Parole and Earned Release Board. The current process in Ontario is that victims provide input prior to parole hearings but don't actually participate in the hearing itself. We want to take this one step further.

This proposed legislation would broaden the current scope of victim participation at parole hearings. In doing so we are addressing, in part, current complaints from victims that the criminal justice system fails to listen to their concerns and fears. Increased participation on the part of victims in the parole decision-making process is a demonstration of the government's commitment to give a stronger voice to victims.

Currently, victims are permitted to submit written victim impact statements to the Board of Parole and/or meet with board members prior to the hearing. Victim's, however, are not allowed to attend or participate in person at hearings.

Under the proposed changes the victim would be permitted to attend the hearing and personally address the parole board panel. In the presentation victims would be entitled to comment on the effect of the crime on the victim and the family at the time of the offence; any ongoing effects; the victim's and the family's recommendations about the proposed conditional release of the offender; and recommendations about special conditions if the offender is released.

Victim participation at parole hearings would ensure that the parole decision-making process is more open and accountable to the public. Their presence would ensure that board members and offenders have a clear understanding of the effects of the crimes and concerns of victims about the proposed release of offenders. We believe a parole hearing has everything to do with the victim. Rightly, the victim should be able to participate.

There are other aspects to this proposed bill, one of which deals with protecting victims of crime through telephone monitoring. Too often we have heard of individuals who are further victimized even after the perpetrator is behind bars. There are also incidents where offenders continue their criminal behaviour from inside the institution by arranging crimes by phone. This type of activity is wrong and we want it stopped. It is unacceptable that individuals who are in custody for breaking the law are provided the opportunity to continue their criminal acts.

The proposed legislation would permit the government to implement technology to monitor and block, if necessary, inmate calls to third parties. This is in keeping with the ministry's strategy to transform correctional services in Ontario into a system that is more effective, accountable and that meet's the public's expectations for increased public safety. It supports the governments 1999

Blueprint and 1999 throne speech commitment to ensure a safer Ontario for its citizens and to provide integrated and improved support to victims.

Currently, the Ministry of Correctional Services Act is silent on the issue of providing telephone access to inmates in provincial institutions. While phone access is provided as a privilege to assist in the offender's rehabilitation and reintegration into the community, there is currently no consistent way to regulate phone use or, more importantly, to regulate to whom inmates make phone calls.

This amendment provides regulation-making authority for the monitoring and blocking, if necessary, of inmate telephone calls to third parties, specifically to victims and to other persons suspected of criminal activities. Calls to victims and persons suspected of planning criminal activities would be specifically targeted by this new monitoring and blocking technology. Third parties such as victims may request that telephone calls from inmates be blocked. The monitoring and, if necessary, blocking of inmate telephone calls will improve employee and inmate safety within the institution through the reduction of contraband and other criminal activity planned during calls.

Under the proposed legislation, the ministry would implement regulations and policies that would allow correctional institutions to block and monitor, where necessary, offender telephone calls to third parties. Calls to victims and persons suspected of planning criminal activity would be specifically targeted by this new technology.

The blocking of offender calls to victims would eliminate victims' potential exposure to further threats and abuse during the custodial period. Blocking and monitoring of inmate telephone calls where necessary may also improve safety within the institution for employees and other inmates by reducing the incidence of contraband and other criminal activity.

We don't think inmates should run our institutions the way they seem to run Club Fed. We want to maintain control of our facilities and ensure that while inmates are in our custody, victims can rest assured they won't hear from them.

A further aspect of this bill includes protecting correctional staff. Correctional staff in our institutions and in probation and parole offices have a challenging job. As part of their daily interactions with individuals under their supervision, they are at constant risk of assault. Currently, inmates who assault correctional staff are subject to either a criminal charge under the Criminal Code or an internal misconduct charge under the Ministry of Correctional Services Act, but not both. The proposed legislation would allow the ministry to continue the internal misconduct process even where the inmate has been charged with a criminal offence. In short, this amendment clarifies that offenders who commit acts of violence will be subject to both charges and misconducts.

As part of its strategy to make correctional services in Ontario safer, more effective and accountable, the

ministry of correctional services will introduce a new zero-tolerance policy for acts of aggression or violence against all correctional staff. The policy arose from concerns that violent incidents against correctional staff were increasing. A zero-tolerance policy would apply to all offenders in provincial correctional institutions as well as offenders serving sentences in the community, including probation and parole. This sends a message to offenders that violence will not be tolerated. The aim of this amendment is to create safer working environments for probation and parole officers and for staff working in correctional institutions.

The government believes that offenders must be held accountable for their actions, and especially for their behaviour toward correctional staff. The proposed zero-tolerance policy would lead to safer working conditions for all correctional staff.

Finally, on the other areas to support correctional staff, prescribing standards of professional ethics for individuals who work in correctional services is very important to this government. This amendment enables the ministry to establish standards of professional ethics for all staff involved in correctional services in Ontario. These standards would apply to everyone who delivers correctional services in the province of Ontario, whether they are from the public, private or not-for-profit sectors. This will ensure that the ministry's responsibility for the delivery of correctional services is maintained and protected where a non-governmental operator provides these services.

1610

Creating standards of professional ethics also provides a stronger measure of public safety and accountability for public and private sector operators of correctional services. Standards would also ensure that the appropriate treatment of offenders is not compromised.

What is also important about these standards is that they would support the commitment of correctional staff to conduct themselves in a professional manner during the execution of their responsibilities in the correctional services throughout Ontario.

If a standard is set, there is no excuse for individuals to claim they don't know what is expected of them. It assures those who are doing a good job that they are on the right track, while putting others on notice that they need to meet the standards set out for them.

As part of the rehabilitation process, the Ministry of Public Safety and Security encourages respect and responsibility. We have all seen scenes of inmates in Club Fed in their street clothes having a great time, most recently those at Collins Bay Penitentiary in Kingston. This lax approach to housing dangerous criminals is a farce. In Ontario, jail is jail. It is not a party nor should it be. Certainly it must be very difficult for victims to see offenders enjoying themselves.

Inmates need to move from a life of disorder, disrespect and crime to one of order and responsibility. This proposed legislation would set basic grooming and appearance standards for all inmates serving sentences in

correctional institutions. That is not to say that this is merely for appearance. The standards will be based on what is relevant to the security of the institution or for health and safety, security and sanitation reasons, and to promote health and facilitate proper identification of inmates.

Currently, there are institutional standards regarding grooming, but there is no formal policy to enforce them. The new policy would expand the standards and the ability to enforce these standards. Provincial inmates must already receive permission to alter their hairstyle or growth of facial hair, must remove jewellery upon admission to a correctional facility and wear institutional clothing. If inmates fail to comply with these standards, they would be subject to penalties, such as the loss of remission credits.

These standards would also help inmates focus on how they present themselves, as it is their responsibility to maintain their personal appearance. The standards would also give inmates the opportunity to exercise practices of self-respect, which would encourage respect and responsibility.

We on all sides of the House have debated this bill on many occasions. I think we would all agree that we need to do what's in the best interests of victims and the law-abiding citizens of Ontario. That being said, I think it is very important that we pass this time allocation motion so that we can move forward and do what is best for all Ontarians.

Mr Bruce Crozier (Essex): This afternoon I want to speak to this time allocation motion and the reasons for time allocation motions as I see them. I want to speak to the bill itself, and I want to speak about crime in its broader sense.

When we look at this time allocation motion today, it's not unusual. It's certainly not unusual with this government. In fact, the legislative agenda for the rest of this week, at least as it stands now—we're going to speak on this time allocation motion on victim empowerment this afternoon. Tomorrow we're scheduled to speak on a time allocation motion for the Toronto Waterfront Revitalization Corporation Act. On Thursday we're scheduled to speak on a time allocation motion for the Sustainable Water and Sewage Systems Act.

There's a pattern here. Every afternoon in this week—and it won't be the same speech every afternoon—we're speaking to time allocation motions. What this really means to me is that this government can't, in fact, manage its time. When they have to resort to this kind of thing, I don't know what their motives are. I take it, and you can take whatever description you want of it, that it's either to limit debate, to cut off debate, to stifle debate or simply to choke off debate.

Yes, I have said before in this Legislature, in speaking to time allocation motions, that when we were elected—there was some discussion this afternoon in question period from the Minister of Education about why we were elected—we were elected to come to this Legislature, all of us, as representatives to speak on behalf of

our constituents. The problem is that when you run into these time allocation motions, these limiting of debate motions, not all the members of the Legislature get the opportunity to speak on behalf of their constituents.

I'll give you a little bit of background on this. Through March 1981 to May 1985, under the Davis-Miller government, 292 pieces of legislation were passed in this Legislature, but limit of debate was only invoked three times—three times in four years on 292 government bills. In the 33rd Parliament, during the Peterson minority from May 1985 to September 1987, time allocation was used once and there were 129 pieces of legislation passed. In the 34th Parliament, the Peterson majority government from September 1987 to September 1990, in three years time allocation was used three times and 183 pieces of government legislation were passed. In the 35th Parliament, the Parliament of Premier Rae from September 1990 through 1995, five years, time allocation motions were only used 18 times and 163 pieces of government legislation were passed.

In the 36th Parliament, the first term of the Harris government, from June 1995 to 1999, four years—this is where it really starts to get interesting—time allocation motions were up to 35 times, almost double the previous government, and 118 pieces of government legislation were passed. In the 37th Parliament, the second Harris term, from June 1999 until July of this year, it increases again, and time allocation was used 46 times on 71 pieces of government legislation. More than half the time, for this government, they desire, they want to, they do, they shut down debate. Why is that? Do they not want to hear from us on this side of the House? In fact, do they not want to hear from their own members? Apparently, their own members have nothing to say on behalf of their constituents. I find it strange that this government, the Harris government preceding it and the Harris-Eves government, would use time allocation more than 50% of the time.

All that says to me is that you guys over there can't manage time. You don't know what your agenda is; you don't know what it is you want to do. All you know is you don't want to hear from the other side. In fact, what you're saying is you don't want to hear from your own members. That's extremely sad.

When it comes to victims of crime, you can use the word "crime" in very broad terms. I'll say it: I think it's a crime that this government has to use time allocation as often as it does. There are other types of crime we could speak about. For example, what about the way we're using our educational system and treating our special-ed kids? That's a crime. Today in the Legislature it was asked what was going to happen in a classroom where a special assistant no longer exists and a teacher has to deal with some 26 kindergarten students, but there's nobody there to help her. To me, that's a crime.

Our education system as a whole is suffering from what this government has done to it. They talk about putting more money into it. Perhaps those figures will show they have, but then we do have more students than

we used to have, and what we are finding is that there's \$1,250 per student less spent today than there was before this government came to power.

1620

We could talk about the crime in our health care system, where people have to join long lineups to get special care in this province. They shouldn't have to do that—not in the province of Ontario in the year 2002.

What about the apparently approved crime of the hydro rates that we look at these days? This government said they were going to reduce hydro rates. What a crime it is that they're going up. I think today's rate is somewhat above seven cents per kilowatt hour.

What about the bills that people are being given today? What a crime it is that they can't read them; they can't understand them. In fact, the Minister of Energy can't understand them. I'm really not surprised that he can't, but the fact of the matter is that perhaps this bill should have contained a broader definition of crime and there should be some opportunity for the people of this province to react to the kinds of things we see coming out of Hydro One and the bills they are having to pay. People who are on fixed incomes, seniors and people who have a low income frankly can't afford the bills they are being given today. What a crime it is that this government said, "Don't worry. Your rates are going to be lower."

We talk about the crime of having to pay retroactive gasoline—retroactive natural gas prices. People have no choice in this. They are suddenly presented with a bill where they have to pay some back charges for natural gas. To me, in the broader sense of it, it's a crime that they should have to do that. We have lots of examples where there are businesses that can plan better, and they don't have to do that to their customers.

I did almost inadvertently mention gasoline prices. Some of my constituents use the word "crime" when they call me. They say, "You know, it's a crime that these gasoline suppliers are able to gouge us the way they do." I can recall, for example, in 1998, when then-Premier Harris said, "We're going to bring these large corporations, these large gasoline suppliers, to heel." Well, it didn't happen then and it's not happening now. My constituents still call me and say, "It's a crime that they can gouge us like that on the weekends."

The word "crime" can be used in many, many ways, and it can be much broader than what we have in this bill. In fact, with some of the omnibus bills that this government has brought in, I see absolutely no reason why it couldn't have been included in this bill.

Yes, we deal with criminals, and we have to deal with them harshly. We have to deal with them in a way that the public is satisfied. But they're not the only ones who are taking advantage of the public. Some would use harsher terms than I would in the way that these companies are dealing with the public.

Now we go directly to the issue of the day, and that is that when this Bill 60, An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards,

and to make other amendments to the Ministry of Correctional Services Act, is next brought forward, there won't be any further debate. Third reading will be dealt with and disposed of without any further debate and amendment.

I want to tell you about some personal experience. I visited three institutions in this province in which criminals are housed. One is the Windsor-Essex county jail, another is a youth facility north of London, and the third is Kingston Penitentiary. I don't think any of those institutions would be considered by myself as being comfortable. In fact, I felt a sense of relief when I walked out and the door was closed behind me. I can't say whether criminals are treated appropriately on a day-to-day basis. I can only say from what I observed in a short visit that they aren't very comfortable places.

I want to speak about one in particular, the youth facility. The day I visited, we were able to sit down and talk to eight of the 10 young inmates who were in that institution. Yes, they had committed crimes and, yes, they were being made to pay for those crimes—and that's just; they should. But in each instance, in talking to those young people, I don't think—in fact I know that not one of the eight came from the type of home we would provide for our children. Not one of them came from the type of home that Joan and I have tried to provide for our children: an environment in which they can be raised, respected, kept safe and feel safe, an environment where they can be happy.

Even though they were, I think, being treated appropriately and serving time for their crimes, these young people are victims of crime too. They're victims of families that are dysfunctional. They're victims of families that, for whatever reason, may not have the opportunities most of our families have. So when we speak of inmates in these institutions living a kind of happy life, I'm sure that's not the case most of the time.

Should we have grooming standards for prisoners? Sure. If it can be shown that somehow or other they're going to help rehabilitate that criminal, then I say let's do it. But at some time or another, in almost all cases these individuals are going to be let out into society. Whether they be young offenders or mature adults, sometime or another they're going to be released. If they are released on parole, there's often criticism of that. But when they're released on parole, at least they are supervised. There is some supervision of them, and perhaps we can continue to help rehabilitate them. Some would say everybody should serve their time to its limit. In some cases they do. The problem there is that once they've served a full term, it's my understanding they're released into society. They've paid their debt, presumably, and there's no longer any supervision. When we look at this type of legislation, the Victim Empowerment Act, there's more than just one side to the story.

I want to finish by pointing out one or two things the Provincial Auditor has brought to our attention. Back in 2000 the Provincial Auditor's report said that the ministry of corrections was suffering from terrible mismanagement—again the word “mismanagement,” which I

related to when they have to use time allocation. The auditor found that jails often suffer from lax security, which has resulted in inmate escapes, and that the ministry did not have sound business plans before it proceeded with the construction of the two new superjails in Lindsay and Penetanguishene. I hope the government took heed of what the Provincial Auditor had to say at that time.

1630

Also I would like to suggest that the Victim Empowerment Act, which says it establishes a framework for standards for corrections officers, take this into consideration: the Provincial Auditor pointed out to us that these standards will be determined by regulation. I hope the government has taken the auditor's advice where he noted that Ontario's corrections officers aren't getting the training they need to be able to do their job safely. “Due to the suspension of the advanced correctional study training requirements during the last four years, over 80% of the correctional officers had not received the training required to keep their skills up to date.” The estimates for the year 2001-02 showed at that time the government was actually cutting spending even more.

So we need more than just this bill. We need more than just what's printed in this bill. If we are going to make changes in the correctional system, we have to give support to our correctional officers who serve us and we have to give support to those inmates we can rehabilitate so they can join society and play a role in society in the future.

Mr Rosario Marchese (Trinity-Spadina): A time allocation motion: now, I know it's only 4:35 pm and our political viewers probably are familiar with time allocation, but I suspect the majority of the population of Ontario has no clue what time allocation means.

Time allocation means strangulating debate. Just picture a rope going around somebody's poor neck. In this case it's around a bill. It means you choke it off. That's what it's about. This government is good at it. They do this very well and they do it often. They do it so often that they get better at it because practice makes perfect. But all we get in this House is more strangulation motions to choke more and more bills off from the public viewers and from debate in this place. That's the first point.

The second point I want to make is that Bill 60 was introduced on May 28, 2001, by Rob Sampson, the former Minister of Correctional Services. It replaces Bill 171, which was introduced in late December 2000 and died when the House prorogued. You understand, Speaker, that this is an old bill. We also understand that for you guys these kinds of bills are really very important, aren't they? You are the party that talks about law and order. It puzzles me that such a bill could have been introduced in the year 2000, and given the importance it has for you politically, you haven't found the way to get this bill out of this place.

You understand the dilemma that we face in opposition, and that the viewers face when they think in their mind, if it truly is something important, we've got to find

a way to get it through the legislative process. But how come, two odd years and some months later, it's still before us? In fact, the debate has become so stale that both government members and opposition members have memorized their speeches. So often are we debating this particular bill that we pretty well know our speeches by heart, because it has been before this place so many times.

To the audience watching, you've got to ask yourselves these questions: what kind of game is this, how serious are the Tories when they speak about law and order issues, how is one to discern fact from fiction or substance from likeness? How will you ever know that the bill before us is the kind of bill you would want to support, except what the government tells you about the bill? You would never know.

This bill is called An Act to give victims a greater role at parole hearings, to hold offenders accountable for their actions, to provide for inmate grooming standards, and to make other amendments to the Ministry of Correctional Services Act. If all you're given is this topic, good viewers, you are automatically led to believe there must be a great deal of substance here that deals with issues of crime and that it indeed empowers victims in some way, because the title of the bill, the Victim Empowerment Act, says so.

Do you see how deceptive things can be? Do you see how deceptive bills can be, and how the titles can say one thing and the substance of the act another? This government does it all the time.

For example, Speaker, for your benefit, because I know you've read this, but also for the viewers—it's a two-page bill, a very short bill; it's not very long—it says here, under subsection 1(36.1), "Victims": "Victims within the meaning of the Victims' Bill of Rights, 1995 and other victims of offences may participate in proceedings of the board in accordance with the regulations."

Let me help you through this. What that says is that victims are not empowered as the title declares. If you follow what I've just said, based on the bill presented before this place, victims "may participate" in the proceedings of the board. It doesn't say "shall participate." It prescribes it and qualifies it by saying they "may." Speaker, do you understand the problem I have?

Interjection.

Mr Marchese: I don't want to burden you with these thoughts, but it's a problem. If you indeed wanted to give them rights, you would have changed the words "may participate" to "shall participate."

Do you see the "shall" game? I know you see it, Speaker. The question is, does the public see it? They will never see it as much as those who watch this program, because we're able to help. We're able to facilitate the process so they actually can follow it somewhat, even though they don't have the entire bill in their hands. The majority of people out there, those who don't have much time for politics, even though everything we do impinges on their lives, go through their merry lives unsuspecting,

often naive about what we do in this place, often believing politicians when they say certain things, only to discover in the details, as I've just given them to you, that once again this government is wilfully manipulating the public—not by accident, but wilfully, because it's in the bill.

None of the lawyers in the Conservative caucus has spoken to this. They know better. The others who speak to this bill haven't really read the bill. They're literally given speeches to read and therefore are automatons in this place. If they read it independently of the filters and the speeches they are given, they would likely have seen the language that says victims do not have power, as the Tories claim they should or ought to. So you can understand how angry people who follow this channel must be about the games that you play, because when the politics is so deceptive, people lose heart. People lose the desire to believe in politicians and to believe what they say. When you lose that trust, it's so difficult to get it back.

1640

You, Tories, have been the worst in this offence because you are indeed wilful in your efforts to manipulate the public—to deceive them is my view—and you have literally eroded the public's view of politicians because over and over again you introduce bills in this place that have no substance to them. I'm reminded about the Victims' Bill of Rights, because how could you not, after so many times that we've debated these bills, make reference to the Victims' Bill of Rights?

The Victims' Bill of Rights—I'm trying to find the quote from Judge Day in these pages that I have in my hands, and it will be very, very difficult to find the reference to Mr Day. But I wonder—

Mrs Margaret Marland (Mississauga South): Should I come and help?

Mr Marchese: You could be helpful, actually, member from Mississauga South. If you're able to call on an issue of quorum I'll be able to find it at some appropriate moment. Just check to see if there's quorum here. You could assist in that way; even a Liberal could assist in that way. But it doesn't really matter.

The point is, the Victims' Bill of Rights conferred no rights on victims. You know that, we know that, some of the public who watch this debate know that, but the majority of people do not. My friend from Hamilton West made reference to Judge Day, as we always do, because Judge Day ruled that your Victims' Bill of Rights contained no rights within it and conferred no rights to victims. This is a judge. It's not Marchese saying it; it's a judge saying that.

The member from Hamilton West said, imagine the satire, if you will, where the lawyers of the government that introduced the Victims' Bill of Rights, in defending itself against two claimants who wanted to take the government to court, arguing for rights that they believed were contained in the Victims' Bill of Rights—lawyers for the government that introduced the Victims' Bill of Rights arguing that there were no rights contained in that bill.

Good viewers, you understand how cynical we get and how cynical you must be when you hear these things, when you see the games that many politicians play, some politicians more than others. You lose heart. When even their own government lawyers go to say in defence of themselves that their bill had no rights for victims contained within the Victims' Bill of Rights, it's sad. It's ironic, it's political satire, it's laughable. It could become a TV series, if it isn't already.

When you remember that the Victims' Bill of Rights was basically devoid of any substance, you follow the same pattern here with this bill and you'll realize that this bill is weak, that it doesn't say what they purport to say about the bill. It doesn't do it.

I'm reminded of the Parental Responsibility Act. I make reference to that often. The reason why I make reference to these bills, viewers, is that what I'm trying to do is to expose the Conservative government's role in trying to manipulate you, the public. I'm trying to expose this government as being weak, not strong, on the issues that some of you believe they are strong in, and that they are in fact the opposite of what they claim.

I remind you, good viewers, to think of one of Shakespeare's plays: *Othello*. Those of you who have read that play, maybe because you had to or for pleasure—

Mr Dwight Duncan (Windsor-St Clair): Coles Notes.

Mr Marchese: Some would have used Coles Notes for sure, if they had to study it in high school; many did.

You will remember that "honest" Iago was the adjective that was used for him, and you will remember, those of you who are watching and listening, that Iago wasn't so honest. He in fact was very dishonest. He convinced *Othello* that *Desdemona*, his wife, was cheating on him to the extent that the green monster took over in *Othello*'s mind, the green monster being jealousy. As a result of the convincing nature of honest Iago, *Othello* kills his wife, *Desdemona*.

Think of honest Iago, then think of Mike Harris, then think of Ernie Eves, then think of this government as it relates only—and I want to limit myself to these issues of crime—to the issues of crime and how this government is perceived to be strong on the issues of crime.

Mrs Marland: On a point of order, Mr Speaker: While I appreciate the member's articulate recall of William Shakespeare's great writings in his plays, I think, however—

The Acting Speaker: That is not a point of order. The Chair recognizes the member for Trinity-Spadina.

Mr Marchese: I had a sense that the Speaker was going to rule in my favour. I knew that he would, and justifiably so. Because you see, he presides over this place and listens very carefully to what we say. Weighing what we say, he then concluded correctly that what I had to say was correct.

So viewers, think of honest Iago and think of this government every time you think of them in relation—and I limit myself to issues of crime and how tough this government is. These guys are really, really tough. Think of honest Iago every time I say that.

I thank the member for Mississauga South, because I now have in my hands the quote from Justice Day where he said, "I conclude that the Legislature did not intend for the Victims' Bill of Rights to provide rights to the victims of crime....the act is a statement of principle and social policy, beguilingly"—beautiful word—"clothed in the language of legislation. It does not establish any statutory rights for the victims of crime."

Wasn't that beautiful? This is Judge Day commenting on this government's Victims' Bill of Rights that is empty, toothless, powerless, contains no rights. Victims are on their own again. But this government claims they're on the same side as victims, that in fact they defend them, protect them, and they've got a law that does that: the Victims' Bill of Rights.

Think of honest Iago now. Don't forget: every time I say one thing, think of honest Iago.

You see, if I don't quote Judge Day, you'll think I made it up. Member from Mississauga South, you understand what I'm saying, right? This is Judge Day talking about your bill. You haven't forgotten him, have you?

Mrs Marland: No. I'm trying to listen and read.

Mr Marchese: You can't do both. It's very difficult to listen to me and read at the same time. You have to either listen or read.

1650

Mrs Marland: I remember when you were Minister of Culture. You obviously saw a lot of plays in the Speaker's riding, because you regularly quote Mr Shakespeare so well.

Mr Marchese: Right. Keep it up. Stay with me a little bit.

"The act is a statement of principle and social policy, beguilingly clothed in the language of legislation." That's the game.

The Parental Responsibility Act was designed to allow victims of some abuser who may have terrorized their building in some way or caused serious damage to go to the parents of a young person who committed an act of violence of that sort and to sue the parents for the misdemeanours of their children. You understand that the current law is stronger than the Parental Responsibility Act you introduced, in that the current law gives the power to people to sue those who have caused serious damage to them for amounts greater than under the Parental Responsibility Act. Are you following me, viewers? This is a government that claims they are on the side of the victims and that they're tough on crime. That's the theme that I'm trying to establish and that I want you to follow as a way of indicating to you they are not really after serious crimes.

Mr Wood: Down 30%. That's not bad.

Mr Marchese: "Down 30%," one lawyer across the way says. Universally crime has gone down, everywhere, and not because you guys have introduced these silly bills that give no power to anyone. Not because of your empty, toothless bills has crime gone down. You've done absolutely nothing. In fact, we've often argued that under an NDP government, when we were in a recession, we

had more policemen and policewomen on the beat than they do now. So even the member for London West, Bob Wood, who is a lawyer and probably knows or, to use the legal language, ought to know—I love it when lawyers do that: “who knows or ought to know.” Don’t you love that, Bob? That’s what lawyers say and do.

Mr Wood: That’s not bad. You’re learning.

Mr Marchese: He ought to know, because he’s a lawyer, that we, the NDP, in a recessionary period had 1,200 more cops on the beat. You guys, with a great economy in the last six or seven years, have put fewer men and women on the streets to defend victims than we did. Shameful. You understand that, Speaker. I know you’re silent in your approval of what I’m saying. I know that, because I know that deep down you agree with me. I know you do.

This bill does nothing for victims, just like going after squeegee kids. It’s really the ultimate. I can’t help making reference to squeegee kids every time I speak to this bill, because I’ve got it memorized, you see? Boy, are they tough on squeegee kids, guns a-blazing. “You clean some windshield out there on them streets at King and Queen and we’re gonna come after you and stomp you down good with the heaviness of the law.” That’s beating up on crime. You guys are really tough. I hope people know how tough you really are. Think of honest Iago now. Don’t forget. Every time I say these things, remember honest Iago in Shakespeare’s play *Othello*.

Boy, are these people tough on crime. They’re so tough, they’re going to groom inmates to better discipline and better health. I didn’t hear reference to cutting their toenails.

Mr Wood: Are you opposed to that?

Mr Marchese: No, but that’s really tough, Bob Wood from London West. You guys are really going to be tough on crime.

And, boy, are you going to give victims power. When Peter Kormos introduced Bill 89 in June 2000, a bill that would have made Ontario parole hearings more open, more transparent, and would have allowed victims, the public and the media to be present, you said no to that. That would have given victims the power you people say they have, but you said no to that. You rejected that, opposed that, and then you introduced this weak bill that does absolutely nothing, that gives victims no power. Victims “may” participate—it doesn’t say “shall” participate—in the hearings. What kind of bill is that? What kind of bill is it that does not empower but disempowers the victims?

Boy, am I looking forward to Bob Wood from London West, a lawyer who is going to demystify this bill for us because he is a lawyer. Think of honest Iago when you listen to their speeches, Speaker.

The Acting Speaker: The member’s time has expired. Further debate?

Mr R. Gary Stewart (Peterborough): Now that the theatre’s over, I think we should maybe get back and talk about the bill. I’m not about to talk about *Othello*. First of

all, we weren’t on a personal basis. I think it would be very in order to talk about this particular bill.

You can talk about time allocation. It is interesting to note that I think it was one of the members from the opposition side who was talking about the number of time allocations under Peterson, and how few there were. Possibly if they had spent a little less time debating and had watched the way social assistance was going up during a time when revenues were very high, it might have been a whole lot better.

Indeed the member for Hamilton West was talking about our track record, and I thought back to the track record of the NDP: debt out of control, no jobs, social assistance rising etc. And they talk about a track record.

So, to the folks my friend suggested were listening, look very carefully at some of the comments that are being made by those who were in government a few years back and didn’t do very much about anything, let alone about crime.

I am pleased to stand in support of Bill 60, the Victim Empowerment Act. If passed, this legislation will, I believe, strengthen the voice of victims and provide them with more protection.

Let me point out a few things our government has done and the record we have thus far. It’s a good record, as it focuses on the support of victims through all stages of the legal process.

One that could be mentioned is the creation of the Victims’ Bill of Rights, something that had not been done, that was done by our government, and now they have rights and will continue to have them.

Another is expanding victims’ programs, whether it was VCARS, the witness assistance program or a number of programs that we have done.

We’ve made it easier to bring civil suits against offenders.

We’ve launched an Office for Victims of Crime, staffed by victims of crime who know what it’s like to be a victim and by front-line justice professionals.

Let me take a moment to outline some of the key components of Bill 60.

It will permit victims of crime greater participation in the justice system by allowing victims to attend and present information at the parole hearings.

That’s long overdue. The comment was made a little while ago that they “shall,” or they should be told they can go. There are those victims who possibly have major difficulty facing those people who created the crime on them. They should not be made to go. But if they wish to, I believe they should have that right, because many things are forgotten. It’s interesting; we human beings have the knack of being what we want to be, and unfortunately I think that when the time comes to possibly try to look at parole, maybe sometimes we’ve created something we are trying to push on the parole board that will allow us to be paroled and have maybe not been overly sincere about it. Maybe some of these victims of crime can help us remember some of the things that really happened when that crime was transpiring.

1700

This act will ensure that inmates suspected of conducting criminal activity through the abuse of phone use will be monitored and perhaps blocked to protect the security of the institution and the safety of victims. There again, there has got to be some type of monitoring of that. Certainly the harassment, the abuse of the victims or indeed the illegal activity that can be conducted through the telephone is, as I understand, on the increase.

The legislation permits a criminal charge and an internal misconduct charge to be laid against inmates who violate the zero-tolerance policy, and that one, I believe, is long overdue. These people are put into jails because they created the crime; they are the ones who committed the crime. Yet the federal government seems to have resort-type confinement for criminal activity. I believe our government does not want that, will not want that and believes the zero-tolerance policy is a must.

This act would further enhance ministry training programs for correctional staff by allowing for the development of standards of professional ethics. These standards would apply to everyone who delivers correctional services in the province of Ontario, whether they are from the public, private or not-for-profit sectors. We want to make sure that correctional staff are the best that they can possibly be; we want to make sure that they are professional; we want to make sure that they are well-trained.

The legislation would allow for the establishment of grooming and appearance standards for provincially sentenced inmates for safety, security and health reasons. You know, it's interesting; unfortunately, the life skills of many of the people who get into difficulty, who spend a lot of time in jail are not as good as they should be. When these people get out of incarceration, we want to try to see that they can possibly get jobs, hold jobs. If they do not have some of the life skills that other people have, unfortunately that will not happen.

For the life of me, I can't understand. We want them to be able to be taught other programs. Life skills, I believe, is the basis and one of the basics of that type of program, things we should be making sure they know all about before they get out. As you can see, the Victim Empowerment Act will do a variety of things not only to enhance the rights of victims but also to hold inmates accountable for their actions.

An interesting situation happened in Peterborough about a year ago. There was a riot in a provincially run jail to the tune of \$250,000 worth of damages. Why would they not be accountable? Why would they not take responsibility for that? They absolutely have to; if you're going to do damage, if you're going to create problems when you're incarcerated, then, unfortunately, you may just have to pay the piper. Whether it's damage to a facility or physical damage to a correctional officer, whatever, it will not be tolerated, should not be tolerated, and we have to make sure that inmates are accountable for all of their actions.

We've debated this bill many times, and I know that all members of the House have had an opportunity to

express their views. You know, there finally comes a time in our lives, and indeed in this House, when we finally have to make a decision. We've got to quit going on with the rhetoric. The member from, I think it was Davenport over there, was talking about Othello and a few other things like that; why wouldn't you talk about the bill? Let's finally make a decision on some of this stuff, and if it means we have to put a time allocation on, why wouldn't we, rather than listening to what I have been listening to today, that said absolutely nothing about the bill? Absolutely nothing? I think it's about time that we moved on and got things done.

I know that caucus members from both the opposition parties have been involved during debate on this bill and they have expressed both their support—in a limited way—and their opposition to the various components. They've had that opportunity. Let's move on.

For instance, I know that the members from across the floor have expressed a great interest in the component of victims at parole board hearings. I believe that victims should have that right, if they want to, but certainly not be forced to, because, as I said, things are forgotten. This topic was thoroughly discussed in committee, and as a result, the bill was amended to reflect some of the suggestions that were made by the members of the opposition.

Again, it went to committee; we have had debate. Ladies and gentlemen in television land, what we are trying to suggest from this side is that we move on with the governing of this great province.

I am sure that we will continue to work co-operatively in some areas of creating regulations for the implementation of this bill. So the opposition will have the opportunity for additional input.

But the victims of crime have waited long enough. Our government has had an impressive history of helping not only victims but also all the law-abiding citizens of this province by some of the legislation that I have talked about.

Let me recount our activities to date in support of public safety for the people of Ontario. This government is investing \$450 million to modernize our infrastructure to ensure we have a safer, more secure, efficient, effective and accountable corrections system. We are replacing old, aging jails with newer, more secure facilities. All new facilities and retrofits will incorporate the most advanced technologies and ultra-modern features designed to keep the communities that host our jails safe.

I recently had the opportunity of going to the opening of the new mega-jail in Lindsay two or three weeks ago—a phenomenal facility; secure. The safety of the people in that particular area is ensured. I believe there are something like 32 different security systems within that facility. We have to make sure that the people outside the jails, certainly in the immediate area, are safe.

There was a major concern, I remember, when they built Millbrook. The people in the community were concerned. When the feds built Warkworth, people in the area were very concerned about the possibility of

escapes. There have been some from a few of those jails, but I can assure you that when you look at the facilities in the new jail in Lindsay, all of the technologies are there and the features are designed to make sure that the community is indeed safe.

As part of this government's 1997 Blueprint commitment we are creating a dedicated system for young offenders with a focus on programming requirements. This ministry has built on Project Turnaround's success by introducing a strict-discipline-model approach to all young offender facilities. This model emphasizes self-discipline and personal life skills development in an intensive program set in a no-frills environment to try and make sure that when the young offenders get out into the real world they hopefully will not ever want to be put back into any type of incarceration and will have the skills to compete and find jobs in the outside.

This government passed the Corrections Accountability Act, which received royal assent on December 19, 2000. In 1998, the ministry introduced a probation and parole service delivery model to provide more focused interventions and to ensure greater efficiency, enabling the ministry to provide community services more effectively across the province.

1710

As committed to in the 2000 Ontario budget, we have strengthened our presence in the community and have hired 165 new probation and parole officers. In 2000, this government invested \$5 million in training to sustain and develop programs for probation and parole staff across the province and, again, to make sure that they are the best they possibly can be.

With the introduction of the probation and parole service delivery model, the most intensive forms of supervision and resources will be reserved for offenders who are at the greatest risk of re-offending. This new community corrections intervention model supports this government's commitment to making Ontario a safer place. We don't want people to re-offend. Unfortunately, it's happening, and we have to do everything possible to make sure that doesn't happen in the future.

In the 2001 Ontario budget, we allocated an additional \$1.8 million annually to expand the electronic surveillance program. The electronic surveillance program is part of the strict discipline model for community corrections and the government's commitment to transform correctional services in Ontario into a system that is safer, more secure, effective and accountable.

This government, along with senior officials from across Canada—I see the mouthpiece is back—has called on the federal government to introduce legislative changes that would permit provincial jurisdictions to eliminate and opt out of intermittent sentences. Intermittent or weekend sentences are provided for by federal legislation—the Criminal Code of Canada. Ontario has not identified any advantages or benefits associated with these sentences.

This government believes that not only do intermittent sentences send the wrong messages, they also create

serious security problems for the correctional system. This government has designated the Mimico Correctional Centre to pilot a project allowing qualified intermittent sentence offenders to be placed on the electronic monitoring home incarceration program.

This government's justice ministries have been working on the video remand and bail project, which makes use of video conferencing technology for remand and consent bail hearings. Through video conferencing, an accused person can appear by video from a police station or correction institution. This initiative will reduce the need to transport any accused for routine court appearances, directly impacting public safety and security, and puts police officers back on the front lines. This is what will be happening in the new facility in Lindsay, and it is certainly going to make sure, again, that the folks outside that facility are as safe as possible.

The ministry has installed a new offender tracking and information system in all its institutions and community probation and parole offices, which will contribute to a more effective and linked justice system, thereby improving the offender case management system.

Correctional staff will have improved information faster on an offender's behaviour, which will allow for more informed decisions such as participation in specific programs, temporary release arrangements, non-associations with other offenders and improved information sharing across the correctional system.

This government is committed to the appointment of Ontario Parole and Earned Release Board—formerly the Ontario Board of Parole—members with criminal justice backgrounds, which is resulting in fewer offenders being granted early release, a trend that has been growing in corrections for the past six years.

It is interesting to know that the name sits well: the Ontario Parole and Earned Release Board. I believe that people who are incarcerated have to earn the respect of the parole board and they have to earn their release; and they have to abide by the rules when they are incarcerated, again going back to zero tolerance.

The parole grant rate has been dropping steadily from a high of 59% in 1993-94 to a continued low of 29% in 2000-01. This drop is attributed in part to the strengthening of parole policies, the appointment of board members with criminal justice backgrounds and an increased commitment to public safety. I want to compliment some of the people who are on the Parole and Earned Release Board. One happens to be a man from my riding, Ralph DeGroot. Ralph is a retired superintendent of the RCMP, the type of person I believe we should have on that board, who will do well and make sure the policies and the backgrounds—they indeed are committed to public safety.

Policy changes as a result of the government of Ontario's Community Safety Act allow the Ontario Parole and Earned Release Board to release reasons for decisions. Victims may contact the Ontario Parole and Earned Release Board directly or may access information through the government's victim support line, designed to lend support and ease the distress of victimization.

The Victim Empowerment Act is a continuation of our government's ongoing commitment to public safety. Let no one question this government's commitment to supporting victims of crime.

I would ask all members of the Legislature to support passage of this bill, again long overdue. It is time to get on with making some decisions in this House. I'm proud to support this important piece of legislation, and I indeed urge all my colleagues to give this bill speedy approval.

Mr Alvin Curling (Scarborough-Rouge River): I want to say that I am very happy for this opportunity to speak on this time allocation motion. I think the member went off on a sidetrack and talked about other things. I'm talking about time allocation, a shutdown of democracy.

One thing I can give this government credit for is that they are consistent in shutting down democracy. They're consistent in the dictatorial way they have behaved since they've come to government. I know you fully agree with me, Mr Speaker, because sometimes I can see the frustration on your face when things are not proceeding in a democratic way, and I know that if you were the Premier you would do it differently—I hope.

Let me just talk about what people in a democracy expect, what Canadians expect of a government and of their elected representatives. They are the people who have said they have elected us to come before this rather august House and bring their concerns, not our concerns but their concerns, to this chamber, to committees where they can be debated and take time to go through legislation put forward by this government.

Sometimes we can't do that effectively—not all the time—so we talk in public hearings and committees. The people out there should understand that when this bill came before us on October 1, it had one day in committee, October 8, and then it was brought back here—no public participation. The previous member talked about how it went to committee and everybody was heard. We know how it is done. They have a majority in the committees, and what happens is that all the members of the government side are bowing like dolphins as their minister or anyone who presents it is speaking.

Interjection.

Mr Curling: Yes, like Howdy Doody.

The fact is, even the opposition, who are anxious to make sure the concerns of their constituents, not their concerns but the concerns of their constituents, are heard—it is rushed back to the House. At the moment, even at this opportunity in second reading, where we would express our concerns of what the people outside are saying about how we participate in democracy, this government again—I'm sure we've reached over a hundred cases of time allocation, if not very close, meaning a shutdown any voices whatsoever. As the member rightly said, the government says, "We think we've heard enough. So we will behave in this very undemocratic way. Enough is enough. Let's go forward."

1720

If this government was really concerned about this legislation they are putting time allocation on—I remember my good friend Norm Sterling put forward this bill two years ago, unless I'm wrong. I think it was Bill 171—very similar. Where was that all the time? They bring back a new bill to make believe they are doing something and then ram it through when people want to participate. That is very, very wrong. It is so wrong, and people are seeing through that.

Of course, as I've always said, if there is one thing this government would change, if they had the chance to, we would have no more elections and they would continue. But that democratic process is still in place, and I know the day will come when the people will replace them—and they know who they are right now—with individuals of those parties that represent democracy, like the Ontario Liberal Party with Dalton McGuinty as leader, who has put forward a way of democratic reform in which everyone can participate. We're not at all scared of the truth and not at all scared of the position the public will want so they can participate on a good bill.

This legislation—I would almost call it a little throttle, rushing it through—has no input by the people. Later on this evening there will be another bill, and I can guarantee you, and I'd ask the people out there to look forward to that, will also have time allocation, shutting it down again. It's the order of the day to shut down any kind of debate or any discussion whatsoever.

It's rather surprising that as soon as we get up, members on the other side are shouting, "What about the bill?" Exactly. That's what we're saying: "What about the bill?" You say, "Let's debate the bill." We said, "Yes, why don't we debate the bill?" Somehow within their heads they're completely confused. They don't want to debate the bill. That's why they put time allocation on all the bills they have. Maybe they're scared of the truth; they're scared of the people.

Of course you can see how the present Premier, the alter ego of Mike Harris, behaves. As soon as he feels the truth is coming close to him and he can't represent it, he says, "OK, I'll change my mind." But if he feels there are a lot of ways he's going to go, we've got lots of stuff over here that we'd like him to change his mind on. When the time runs out on him next May, or whenever he calls the election, people will know they don't want this flipping and flopping all over the place that he's doing, not taking a position in any respect. As a matter of fact, if any minister ever seems to be coming too close, where he has to ask questions, he drops them—rightly so. If he continues like this, I don't think he'll have very many ministers in a short time.

I really want to have discussed and debated this bill. The fact is I really want to say how frustrated I am about this process, how frustrated I am about being elected—this is my fifth time; I'm going back for the sixth time—and I am muzzled by this process here. The people are muzzled by this process. Democracy is being muzzled by this process, and it's about time that somehow we do

something about this. Yet this government continues to have time allocation.

With the little time I do have, I just want to comment a little bit about this bill that they don't want to discuss, or they seem to say to us, "You may discuss this in five minutes or three minutes." I just want to tell you what one of the individuals in my riding sent to me.

She talks about the frustration she has had in getting things debated and for her voice to be heard in this situation. Total frustration is there. She says, "When are we going to have time to have public hearings on matters to express my concern?"—meaning the constituent's concerns, her voice to be heard on how things should be done. When they elected you, Mr Speaker, or myself or the minister or whoever is sitting here, they said, "We hope you speak on our behalf." I can say to them that basically we are being denied that by this undemocratic government in place in this House, this undemocratic government that feels democracy is in the way of expediency, that democracy is in the way of doing things the way they want to do things. As soon as we examine them and get pretty close to them, we realize how they have abandoned their own people.

In the bill, where is the beef? They will tell you the beef lies in the regulation; in other words, "We won't tell you, but we'll make the rules as we go along, in regulations." That is what the people are concerned about.

Let us start with the corrections officers. In this bill, there is nothing about the corrections officers being denied the proper way of treatment. They just talk a little bit at one stage about that. Their corrections officers are treated badly, by the ministry staff itself. They have complained and complained to ministers and nothing has been done. Some have been frustrated and have left their role as corrections officers. This goes way back. I know officers have come forward to all the governments—to the Liberal government, the NDP government and this government—and nothing at all has been done about this. I am extremely concerned that they have not even tried to address that situation in this legislation.

Let me talk about another part while I think of it. Of course the criminals who are incarcerated should be dealt with in a proper manner and the law enforced because they have violated the laws of this country, making sure that while they are there, there are strict rules and regulations. But I look at subsection 2(2), and one of the points I have—you would be extremely concerned about it, Mr Speaker, because I know you're concerned about hair—is that the government will be able to make regulations "prescribing grooming and appearance standards for inmates serving sentences in correctional institutions." The regulations may prescribe standards for dealing with inmate hair length, nail length, facial hair and personal hygiene.

Are you saying to me, even though I know these people who are incarcerated should be punished and kept under the strict guidelines for what they're incarcerated for, that for a Sikh, for instance, "We should shave that person," that a person's religious rights can be taken

away? Is that what I'm understanding this to be, that we will shave a Sikh, or shave anyone whose religion said they should not put any sharp objects on their bodies, like the Rastafarians? Are you saying that the crime they commit, whatever it is, if they smoked marijuana, which is against the law, now all of a sudden they should be shaved because they are beyond their religion? We've got to be very careful about that. Facial hair: I think that is going beyond our call.

In the meantime, I am saying that as to the victims, of course we should be making sure they participate in the parole process and all that. I want to address that very quickly.

There's another area I want to raise quickly. Why are things so bad in the Ministry of Correctional Services? The fact is that ever since this government has taken over, they have really cut back—no money. The auditor has indicated, "Why are they taking money out of there, because it's needed for training?" Eighty per cent of corrections officers were never trained, so how do you expect corrections officers to enforce the laws of that institution? Therefore, if you take money out, just like you have done with the education system and the health system—it has deteriorated, eroded and is in a bad state. Today we are saying that the fact is, if you don't put money there, then we shall suffer.

I recall that when we were the government, I had a colleague who was compassionate about the concerns of the workers: Richard Patten, the minister of corrections. In those days, I know I had brought to him some members of that institution to say, "Speak to them." He was ready to listen. Over here, you can't get a corrections officer at all, not even to have a public hearing to hear the concerns of the people.

1730

I hope those days will return where we can have respected people like Richard Patten and a respected leader like Dalton McGuinty. The difference, I want to say—if I may divert a bit—about this opposition, as you can see, is that it's not here just to oppose. Have you ever noticed that? I think the members are listening attentively. We're not only here to oppose, but what we've done is put forward plans and said, "You may use them." Some you have used, and we have complimented you on that, but you've not gone far enough, because as soon as you decide not to do that, those who will suffer are the people of this province. So we put forward, as an opposition party, an alternative plan, and we ask you to use that in the interests of our citizens. In the meantime, what you have done—you don't want to hear that—is you have shut it down with your closure and your time allocation.

The government is really failing our citizens. They've tried to make private jails and they're talking about budgeting. What they have done, basically, is overrun their budget. In the meantime, while they are overrunning their budget themselves, they are penalizing the school boards for overrunning their budgets. Remember now, here is one place where we want to educate our most

precious resources, our children, and they have taken away money. When the individuals were saying, "We're going to need more money in order to do that," they said, "If you go over, we shall punish you and we shall take it away." Maybe the day will come when they want to run the correctional institutions right here and tell you what to do and what not to do.

This government has failed in every area that I can think of. They have failed in education, because our system is worse off today. We have failed to even deal with our citizens in a correct and decent manner. They have failed on the type of health care. Today, we know that a shortage of doctors has been created and continues to be created by this government, because we do have qualified individuals in our province to do the job, but they don't have the gall and ability—this is the government I'm speaking of—to do that, to move on this. They don't want to do that. Now they're going to react soon—and I said "react"—about the shortage of doctors.

We also have a shortage of engineers. With all the foreign-trained professionals who are in this province who are dying to participate in this economy to make a better economy of this place, all they've done over here is talk about it. They continue to talk the talk. When people want to express their desires, their concern, and to give good alternative suggestions, what have they done? They have said, "No more talking. We know what this is all about. We don't need any discussion. We will have closure on every motion that we pass in this House, every piece of legislation, because we know what is right."

By golly, they know what is right. Cam Jackson must know what is right too. Maybe he knows what is right. Maybe Jim Wilson knows what is right too when he decides to say, "I know what is right, and you bureaucrats just shut up." They ask why I should mention that, because he's apologized. I have known many people who have done some severe things in their lives. The fact is that they pay the price, because we don't know again if we may shake the cage a bit, as he said. We rattled his cage, so he responded. This government is like that. As soon as they're scared that people will rattle their cage to say to them, "Listen, we have some suggestions here"—they don't have any concern at all about the individuals and the people. They're concerned about their position.

Interjection.

Mr Curling: You're right. As my colleague from Sudbury said, it's all about democracy. That's why we're here.

The whole thing about it is that while I stand here, he's pretty proud of the fact that I'm limited to speak about the thousands of people in Scarborough-Rouge River who feel that their concerns are being addressed or their letter can be answered or they can approach a minister and approach a committee to talk about their concerns.

I am telling you, there they are, busy defending the fort so that no one should speak to them because, "We set up ourselves as the ultimate. We know it all and we'll do it all." They are now doing it to themselves. It is an

extremely bad, very depressing day to know that the place of democracy, the place of discussion, the place of good ideas that can come in many ways, through its representation and through its public hearing process, has been shortchanged and my colleagues have been shut down.

Mr Speaker, let me say this to you—and I know you will be fully supportive while you sit there—that fact is that if we are going to have legislation that reflects the people of this province, we must listen. We must be able to listen to have good legislation.

Mr Wood: I support this motion, because I support the bill. I note that this bill is part of our tough-on-crime policy that has led in the years 1995 to 2001 to a 30% drop in reported crime in this province. That record stands in stark contrast to that of the previous government, when there was no drop in crime from 1990 to 1995. There are, of course, a number of reasons for that, but one of the most important reasons for that has been the effective anti-crime policies by this government. Part of that strategy is the carrying out of the corrections process.

At the Crime Control Commission we have had some 100 public meetings in all parts of the province over the past five years. The purpose of that has been to hear what people's goals are and how they think they should be executed in the area of community safety. When we ask the people about what they want out of the corrections system, we find there are three areas in which they want results.

One purpose they see of the corrections system is, in the case of serious crime, they want punishment. In other words, if someone has murdered their spouse, despite the fact that they may feel—by that, I mean through research—that there is a relatively low possibility of recidivism, they want that person punished for an act that is repugnant to society. The punishment aspect tends to revolve around the most serious of offences.

In all the rest of the offences, however, the public has identified two goals of the corrections system. In every case they want restitution to the victim, and in every case they want an assurance that all possible is being done to avoid the offender repeating that or any other offence.

Part of this strategy is included in this bill. Victim participation at parole hearings is an important part of achieving, number one, restitution to the victim. They feel less violated. They have a chance to do something about what happened. Secondly, properly done, victim participation is going to lead to a reduction in repeat offences.

The legislation, of course, permits victims of crime greater participation in the justice system by allowing them to attend and present information at the parole hearings. It is important perhaps to remind ourselves, as we discuss this bill and this motion, what happens in sentencing. The court determines what the sentence is. The parole board and the corrections authorities determine how that sentence is going to be carried out.

It is important that the sentence be right; that it be oriented toward achieving the two or three goals, as the

case may be, that the public have indicated; and that we look at the research to make sure that the sentences and what the corrections system does actually achieve avoiding repeat offences and getting restitution to the victim. But what we are talking about today, in essence, is the question of how the sentence is carried out.

1740

Currently, victims can only express their views about parole candidates in writing, by telephone or in person at a regional Ontario Parole and Earned Release Board office or correctional centre. Victims are not allowed to watch the proceedings or comment directly while in the presence of the offender. With the introduction of this legislation, we are proposing to permit victims of crime greater participation by allowing victims to attend and present information at parole hearings. The current process in Ontario is that victims provide input prior to the parole hearings but can't participate in the hearing itself. This legislation takes this current process one step further. Under the proposed changes the victim would be permitted to attend the hearing and personally address the parole board panel. In their presentations, victims would be entitled to comment on the effect of the crime on the victim and their family at the time of the offence, any ongoing effects, the victims' and their families' recommendations about the proposed conditional release of the offender, and recommendations about special conditions if the offender is released.

I would like to refer, again, to my comments of a couple minutes ago. The function of the board is to determine how the sentence is going to be served. What the victims are doing is providing more information for the board, which I believe is going to assist the board in making a better disposition.

Victim participation at parole board hearings would ensure that the parole decision-making process is more open and accountable to the public. Their presence would ensure that board members and offenders have a clear understanding of the effects of the crimes and concerns of victims about the proposed release of offenders.

I would like to urge upon the House the importance of openness in the conduct of any part of the criminal justice system. Openness leads to accountability, which leads to better results in accordance with what the public wants to achieve. I would suggest that this is a very important step forward in achieving the goals that the public has quite clearly set out to the government and to the Legislature.

We believe that a parole hearing has everything to do with the victim, and the victim should be able to participate. Giving victims of crime their say so that the parole board will be able to hear in detail what effects the crime has on its victims is, I believe, an extremely important step forward.

A second key component of the Victim Empowerment Act calls for the introduction of a zero-tolerance policy for acts of aggression or violence against all correctional officers. Correctional staff in our institutions and probation and parole offices have a challenging job. As part

of their daily interactions with individuals under their supervision, they are at constant risk of assault.

The way things are now, inmates who assault correctional staff are subject to either a criminal charge under the Criminal Code or an internal misconduct charge under the Ministry of Correctional Services Act, but not both. The proposed legislation would allow the ministry to continue the internal misconduct process even where the inmate has been charged with a criminal offence. This makes eminent sense, and it's a very positive addition to the law of this province. This policy would apply to offenders in the province's correctional institutions and offenders in the community, including probationers and parolees.

An additional component of the proposed legislation addresses grooming and appearance standards for inmates. As has been stated previously, the health and safety of our staff and of our offenders are top priorities in all of our institutions. If passed, Bill 60 would allow for the establishment of grooming and appearance standards for provincially sentenced inmates for safety, security and health reasons.

In another key area of the act, we would further enhance ministry training programs for correctional staff by allowing for the development of standards and of professional ethics. These standards would apply to everyone who delivers correctional services in the province of Ontario, whether they are from the public, private or not-for-profit sectors. The ministry respects and supports the professionalism of its employees.

If we look back, there have been great improvements in the corrections system over the past 40 years. Security and rehabilitation, or in some cases what I would call habilitation, have improved dramatically. The goal is, ultimately, not to have people repeat-offend. We now have a much better idea of what has to be done in order to achieve that goal. Social science has advanced in a major way over the last 30 years, and I would remind the House we have to make sure that what is done in the corrections system is based on what the research tells us will avoid people re-offending. I might say as well that we have to make sure the sentences that are imposed by the courts reflect what the research tells us will avoid repeat offending.

Correctional staff undergo a comprehensive training program and this bill, if passed, would further enhance this training by allowing for the development of standards of professional ethics. These standards would apply to everyone who delivers correctional services in Ontario.

I might say as well that the proposed Victim Empowerment Act will also ensure that inmates suspected of conducting criminal activity through the abuse of phone use will be monitored, and perhaps blocked, to protect the security of the institution and the safety of victims. I regard this as another form of restitution. Surely, part of restitution is to make sure the offence does not continue. If you are actually violated again by the offender, that is a form of not getting restitution. This is as well a form of

avoiding repeat offences. I think this aspect of the bill, and hopefully the act, speaks directly to the goals the public have set out.

The blocking of offender calls to victims would eliminate victims' potential exposure to further threats and abuse during the custodial period. Blocking and monitoring of inmate telephone calls where necessary may also improve safety within the institution for employees and other inmates by reducing the incidence of contraband and other criminal activity that may be planned during telephone conversations. We want to maintain control of our facilities and ensure that while inmates are in our custody, victims can rest assured they won't hear from them.

In summary, we believe that for far too long the needs of victims of crime have been insufficiently recognized in the criminal justice process.

I would like to refer very briefly to the Office for Victims of Crime, which was established by this government and became a permanent advisor agency to advise the Attorney General on ways to ensure that the principles set out in the Victim's Bill of Rights are respected.

This is another way of assisting victims, and surely, when it comes right down to it, that is the purpose of our corrections system. We want to make sure that the people who were the victims of a crime are not the victims of a crime again. I would invite the House to support this motion and support this bill because it's a significant step forward in making our community safer.

The Acting Speaker: Mr Galt has moved government notice of motion number 41. Is it the pleasure of the House that the motion carry?

All those in favour say "aye."

All those opposed say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1749 to 1754.

The Acting Speaker: All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Amott, Ted	Gill, Raminder	O'Toole, John
Baird, John R.	Guzzo, Garry J.	Ouellette, Jerry J.
Barrett, Toby	Hardeman, Ernie	Runciman, Robert W.
Beaubien, Marcel	Hodgson, Chris	Sampson, Rob
Chudleigh, Ted	Johns, Helen	Spina, Joseph
Clark, Brad	Marland, Margaret	Sterling, Norman W.
Clement, Tony	Martiniuk, Gerry	Stewart, R. Gary
Coburn, Brian	Maves, Bart	Stockwell, Chris
Cunningham, Dianne	Mazzilli, Frank	Tascona, Joseph N.
Dunlop, Garfield	McDonald, AL	Tsubouchi, David H.
Ecker, Janet	Miller, Norm	Tumbull, David
Elliott, Brenda	Molinari, Tina R.	Wilson, Jim
Flaherty, Jim	Munro, Julia	Witmer, Elizabeth
Galt, Doug	Mushinski, Marilyn	Wood, Bob
Gilchrist, Steve	Newman, Dan	Young, David

The Acting Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Cordiano, Joseph	Levac, David
Bartolucci, Rick	Crozier, Bruce	Marchese, Rosario
Bountrogianni, Marie	Curling, Alvin	Martin, Tony
Boyer, Claudette	Di Cocco, Caroline	McMeekin, Ted
Bradley, James J.	Dombrowsky, Leona	Patten, Richard
Bryant, Michael	Duncan, Dwight	Peters, Steve
Caplan, David	Gravelle, Michael	Phillips, Gerry
Christopherson, David	Hoy, Pat	Prue, Michael
Churley, Marilyn	Kennedy, Gerard	Pupatello, Sandra
Cleary, John C.	Kormos, Peter	Ramsay, David
Colle, Mike	Lalonde, Jean-Marc	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 45; the nays are 32.

The Acting Speaker: I declare the motion carried.

It being past 6 o'clock, this House stands adjourned until 6:45 tonight.

The House adjourned at 1802.

Evening meeting reported in volume B.

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COMITÉ PERMANENTS DE L'ASSEMBLÉE LÉGISLATIVE**

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Vice-Chair / Vice-Président: Alvin Curling
Gilles Bisson, Ted Chudleigh, Alvin Curling,
Gerard Kennedy, Frank Mazzilli, Norm Miller,
John R. O'Toole, Steve Peters
Clerk / Greffier: Trevor Day

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Finances et affaires économiques**

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David Christopherson, Monte Kwinter,
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Norm Miller, R. Gary Stewart, Wayne Wettlaufer
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Vice-Chair / Vice-Président: Michael Gravelle
James J. Bradley, Leona Dombrowsky, Michael Gravelle,
Bert Johnson, Tony Martin, Frank Mazzilli,
Wayne Wettlaufer, Bob Wood
Clerk / Greffière: Anne Stokes

Justice and Social Policy / Justice et affaires sociales

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Peter Kormos, AL McDonald, Lyn McLeod
Clerk / Greffière: Susan Sourial

Legislative Assembly / Assemblée législative

Chair / Présidente: Margaret Marland
Vice-Chair / Vice-Président: Julia Munro
Caroline Di Cocco, Jean-Marc Lalonde,
Bart Maves, Margaret Marland,
Julia Munro, Marilyn Mushinski,
Michael Prue, Joseph N. Tascona
Clerk / Greffier: Douglas Arnott

Public accounts / Comptes publics

Chair / Président: John Gerretsen
Vice-Chair / Vice-Président: Bruce Crozier
Bruce Crozier, John Gerretsen,
Steve Gilchrist, Raminder Gill,
John Hastings, Shelley Martel,
AL McDonald, Richard Patten,
Clerk / Greffière: Anne Stokes

Regulations and private bills /

Règlements et projets de loi d'intérêt privé

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CONTENTS

Tuesday 15 October 2002

MEMBERS' STATEMENTS

Foster Family Week	
Mr Parsons.....	2059
Kimberly Rogers	
Mr Martin	2059
Mrs Dombrowsky	2060
North Bay economy	
Mr McDonald	2059
Petroglyphs Provincial Park	
Mr Stewart	2060
Marcy's Woods	
Mr Bradley	2060
Operation Christmas Child	
Mr Arnott.....	2060
Government's record	
Mr Duncan.....	2061
Leader of the Opposition	
Ms Mushinski	2061

MOTIONS

House sittings	
Mr Stockwell	2061
Agreed to	2062

ORAL QUESTIONS

Educational assistants	
Mr McGuinty	2062
Mr Eves	2062
Mr Christopherson.....	2070
Mrs Witmer	2070
Government's record	
Mr McGuinty	2063
Mr Eves	2063
Minister's comments	
Mr Wilson.....	2064
Mr Hampton	2064
Mr Eves	2064, 2065
Mr Smitherman.....	2065
Mr Stockwell	2065
The Speaker	2065
Mrs Pupatello	2068
Mrs Witmer	2068
Ms Di Cocco.....	2068
Hydro deregulation	
Mr Hampton	2065
Mr Wilson.....	2065
School bus safety	
Mr Johnson	2066
Mr Sterling	2066
Employer health tax	
Mr Phillips.....	2066
Mrs Ecker	2067
School facilities	
Mr Murdoch	2067
Mrs Witmer	2067

Water extraction

Ms Churley	2067
Mr Stockwell	2067

Marijuana grow houses

Mr Spina	2068
Mr Runciman.....	2069

School closures

Mr McMeekin.....	2069
Mrs Witmer	2069
Mr Patten	2069

Agriculture industry

Mr Dunlop	2070
Mrs Johns.....	2070

Post-secondary education

Mrs Bountrogianni.....	2070
Mrs Cunningham.....	2071

Ontario Innovation Summit

Mr Beaubien	2071
Mr Turnbull	2071

PETITIONS

Highway 69

Mr Bartolucci.....	2072, 2074, 2075
--------------------	------------------

Rick Kerr

Mr O'Toole.....	2072
-----------------	------

Long-term care

Mr Gravelle	2072
Mrs Bountrogianni.....	2073
Mr Hoy	2074

Children's health services

Mr Lalonde	2073
------------------	------

Natural gas rates

Mr Hoy	2073
Mr Gravelle	2074

Excellence for All education plan

Mrs Dombrowsky	2073
----------------------	------

GOVERNMENT MOTIONS

Time allocation, government notice of motion number 41, *Mr Stockwell*

Mr Galt	2075
Mrs Dombrowsky	2075
Mr Christopherson.....	2077
Mrs Munro	2080
Mr Crozier	2082
Mr Marchese.....	2084
Mr Stewart	2087
Mr Curling	2090
Mr Wood	2092
Agreed to	2094

OTHER BUSINESS

Visitors

Mr Stockwell	2062
Mr Parsons.....	2072

CA20N
X1
-D23

Government
Publications



No. 42B

N° 42B

ISSN 1180-2987

Legislative Assembly of Ontario

Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Tuesday 15 October 2002

Mardi 15 octobre 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 15 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 15 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

LEGAL AID SERVICES AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES SERVICES D'AIDE JURIDIQUE

Resuming the debate adjourned on October 10, 2002, on the motion for second reading of Bill 181, An Act to amend the Legal Aid Services Act, 1998 / *Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique.*

Mr Peter Kormos (Niagara Centre): I have but nine minutes left, and I have to go fast before somebody stands up and does a quorum call, because if somebody were to do that and the Clerk were to be compelled to count heads, it would be revealed that in fact there aren't a dozen people here in the Legislature, and that, of course, could be disastrous for the government. But I'm not going to do that. I am disinclined at this moment to call a quorum. There we are; we just telegraphed our concerns to the people in the lounges and the lobbies and the bowels of this building, who are coming up wiping the crumbs off their ties and making sure there is no more hint of whipped cream in the corners of their mouths as they return to the chamber from their evening meal.

What is going on? My goodness, the Attorney General is still engaged, locked horns, with lawyers across the province who seriously, dearly want nothing more than an opportunity to sit down and negotiate an adequate tariff so that they can resume—

Interjection.

Mr Kormos: Yes, that's right. The Speaker there was a little concerned that I might not have been on topic, but of course we are debating this government's ill-conceived and hastily developed non-plan for public defenders' offices, for block contracting out of legal services to firms for legal aid work, none of which is going to address the real and fundamental problem, and that is that this government has not addressed the adequacy of legal aid tariffs for all of its seven years.

Lawyers became concerned, and as the McCamus report indicated, it was private practice lawyers who were delivering the bulk of legal aid services. The public defender proposal by the government betrays a failure to have read McCamus on the part of the policy developers,

or, if they had read McCamus, they are purposely ignoring the recommendations.

What I found most concerning on the part of the Attorney General was the style and the manner that he assumed when he went off into a tirade of lawyer-bashing. He referenced the August 30, 2002, letter from the Criminal Lawyers' Association to its members and, I put to you, grossly misinterpreted the contents of that letter. Gross misinterpretation. You heard the Attorney General in here just last week talking about this letter and how it was calling upon lawyers to, oh, browbeat poor people into paying for legal services.

On the contrary. I stood here last week and challenged the Attorney General to read the letter, put it on the record. Would he? No. He wasn't inclined to confuse his argument with the facts. He was disinclined to be exposed as somebody who, again, was trying to blame the lawyers. We had this oh-so-Shakespearean view of lawyers, when in fact what lawyers were doing, what they were trying to address—and they succeeded in doing that—was on the inadequacy of the tariff and on the fact that that was denying more and more people access to our justice system, both in the criminal sphere and, more dramatically, in terms of the impact that it has on people's families, and, more dramatically, on participants in matrimonial litigation, most of them women, most of whom, even if the tariff is increased, because of the caps imposed on the number of billable hours, are not going to have competent counsel representing them. This includes some of the most serious matrimonial litigation, where there have been allegations and where there is real fear of ongoing violence. Women and their kids deserve, and this government ought to be reinforcing, their right to prompt access to family courts, so that appropriate orders, including orders for their safety and security, are obtained promptly. This government has abandoned those women and continues to abandon them.

Oh yes, this Attorney General is wont at every opportunity to talk about his government's Victims' Bill of Rights. I can't blame this Attorney General, because it was one of his predecessors, whose name I don't quite recall—somebody help me.

Interjection: Sampson.

Mr Kormos: There was an Attorney General, not a shining light in the history of Attorneys General—well, he wasn't.

Hon Robert W. Runciman (Minister of Public Safety and Security): Was his first name Charles?

Mr Kormos: I once had dog called Charlie, a beagle. The dog was untrainable, totally unmanageable. I kept

him; I liked him for that. Charlie the beagle wasn't very good in terms of legal logic either, or logic of any sort. He was just inclined that way.

It wasn't this Attorney General; it was his predecessor with his Victims' Bill of Rights. But amazingly, this Attorney General will still use every forum available to him, every venue he's giving access to, to proclaim this government's great commitment to women and kids with its Victims' Bill of Rights. Yet what did this government do when Ms Even and Ms Vanscoy sought relief under that Victims' Bill of Rights and indeed litigated, took this government to court—they had Professor Alan Young from Osgoode Hall law school acting for them. The government sent its own lawyers, instructed to go to court and plead, and they did plead successfully before the judge, that there were no rights contained in the Victims' Bill of Rights, and indeed Judge Day—

Mr Rosario Marchese (Trinity-Spadina): Right there.

Mr Kormos: Right here, as Mr Marchese would want me to tell you, Judge Day said, "I conclude that the Legislature did not intend for the Victims' Bill of Rights to provide rights to the victims of crime"—did not intend. It wasn't even a sloppy effort. No intention, did not intend. "The act is a statement of principle and social policy beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime."

I suspect that when Mr Marchese speaks to this bill later this evening, he may well reference Judge Day's ruling more thoroughly, in Mr Marchese's undoubtedly effective argument that this government doesn't give a tinker's damn for victims or their rights. It trades them at every opportunity, every step of the way, and does it once again in its continued defunding of Legal Aid Ontario.

Let's understand one thing very clearly: the lawyers have now laid down the olive branch. This morning's news reported one Mr Steinberg, the president of the Criminal Lawyers' Association, calling upon his members to discontinue any purported boycott of legal aid certificates. The Attorney General—and I read to you at length from the memorandum of the meeting the Attorney General had on October 8 with members of the tariff coalition—made it quite clear. According to the memorandum of the minutes of the meeting that I obtained and was able to read into the record here, the Attorney General made it quite clear that should there be a termination of this refusal to accept legal aid certificates, he, the Attorney General, was prepared to sit down and negotiate tariff.

What this bill is all about is a shot across the bow of the lawyers in this province who have had, from the Attorney General's perspective, the audacity to say, "No, we can't afford to work, we can't afford to maintain offices, we can't afford to maintain support staff, we can't afford to do a proper job on the inadequate tariffs that have existed, and on the not just miserly but totally shameful 5% increase proposed."

The Attorney General is going to have a chance after I speak to stand and make two minutes' worth of comments. I want the Attorney General to get on his feet and state here and now that this bill is going to be put on the back burner while he resumes negotiations with those lawyers to achieve a fair settlement of the clear differences between the government and its funding of Legal Aid Ontario and those lawyers' ability to perform competently with the inadequate tariffs this government has insisted on maintaining. I want the Attorney General to stand up and show some of the same good faith that lawyers have across this province when they called off their program to refuse to accept legal aid certificates.

At his press conference, the Attorney General had no idea how this bill was going to be implemented and, I suspect, still doesn't. Because this bill isn't about implementing anything; this bill is about cutting off private practitioners at the knees, those who have provided legal aid services in this province for decades. Let the Attorney General do the honourable thing tonight. Stand up. Announce resumed negotiations.

The Acting Speaker (Mr Bert Johnson): Comments and questions?

Hon David Young (Attorney General, minister responsible for native affairs): I certainly appreciate having an opportunity to respond to the member who spoke immediately prior. The only difficulty I have is that I have but two minutes to respond to what was an hour of some rather interesting comments—some might call it ranting.

The difficulty I have at the outset is that the last speech came from a member of the New Democratic Party who has been a member of this Legislative Assembly for some considerable time and indeed was a member of the government from 1990 to 1995—five full years. The difficulty I have in understanding his position, and that I'm sure the members opposite in the Liberal ranks and those who are Conservatives and indeed the many New Democrats who chose to be here this evening have, is that when the New Democrats were in office, they chose not to increase the tariff. They had five years to increase the amount paid to legal aid lawyers, and they chose not to increase the tariff in any one of those years. Indeed, they applied the social contract, which for all practical purposes clawed back 5% from those lawyers doing work for individuals across this province who couldn't otherwise afford lawyers.

So I was puzzled as I heard him go on and on about how more and more money is the answer. I know the Liberals said the same thing when they spoke: more money for defence counsel, over and over again; tax and spend, tax and spend. But I was wondering why, when they were in office, they chose to devote not a penny, not a nickel, not a dime to this pursuit. I'm sure, when he stands, he will explain that.

Mr David Ramsay (Timiskaming-Cochrane): I'm sorry I didn't hear all the speech of the member for Niagara Centre.

Hon Mr Young: Don't be sorry.

Mr Ramsay: Well, you know, I wanted to hear it all, but I understand what he was driving at. I think the people watching this evening are probably aware, from articles in the newspaper, that the Attorney General has totally mismanaged the legal aid system. I think what the member for Niagara Centre was trying to say is that this shot across the bow, as he said, is really a piece of bad-faith bargaining on his part. The Attorney General is in negotiations with the legal profession in Ontario in order to provide legal aid at a fair tariff, and all of a sudden this comes out of the blue in the midst of these negotiations. The lawyers across Ontario are very angry that this government has decided to go this route. We've had a history and a fine tradition of legal aid in this province, and all governments have kept it healthy. Now we're seeing it being run down.

The Attorney General certainly knows that judges now are making orders, when it comes to this, to pay lawyers more. Of course, this really angers the Attorney General. It's a bit of a slap in the face from the court system that he is supposed to be managing. He's not managing it; he's mismanaging the whole system, and this is an attempt to put some pressure on the lawyers to buckle under in this particular set of negotiations.

I agree with the member for Niagara Centre that the Attorney General should withdraw this bill. He should go back to the bargaining table with the lawyers and strike a deal on behalf of the people of Ontario and especially those people who require legal aid services in this province, so that justice will be done.

1900

Mr Marchese: I just want to praise my colleague from Niagara Centre for the strength and the vigour with which he speaks and the way that he puts this government under so much pressure, as they ought to be put. You notice he was trying to compress so much in such a short period of time. He needs so much time to be able to demystify the workings of this government and we just never give him the time because they pass so many strangulation motions, we could never give it the time it deserves.

But did you hear today? We were dealing with the Victim Empowerment Act—these are the people that are tough on crime, right?—and so they pass a Victims' Bill of Rights that has no rights. The judge told them and told us. They pass a Parental Responsibility Act that is weaker than the current law. They pass a squeeze bill to go after little kids cleaning windows. These are the people that are "tough on crime." Now they've got to fight with the lawyers, the legal aid lawyers. It's sad, pitiful. These are the people, of course, who are working at, what, \$70, \$80 an hour?

Hon Mr Young: Eighty-eight.

Mr Marchese: At \$88 an hour—all right. But many of them, we understand, have a lot of overhead to worry about. They've been saying that they are underpaid, of course, and they are trying to negotiate with the Attorney General, saying, "Please help us out. We want to be able to serve so many people who are not getting the help they need."

What does the Attorney General say? He gives them the boot—like the teachers—he gives them the boot and so you cause divisions within the ranks, within society. What does he do as a former lawyer? He attacks his own profession. Why? Because he knows so many people are happy to go after lawyers—just as they did going after teachers, because they're happy to go after teachers. This is an assault, a stupid assault on legal aid at a time when we need them to help those who need the help, and I say we need hearings. So as the member from Niagara Centre said, "There's so much in this bill; we need hearings desperately."

Mr Norm Miller (Parry Sound-Muskoka): I must admit I am having a little bit of difficulty this evening having listened to the member from Niagara Centre. He's a lawyer, so I guess he wouldn't work for \$88 an hour; it's beneath him. They are the party, the socialists—or should I call them the "Gucci socialists" on the other side of the hall here—that 88 bucks an hour isn't enough for them. That works out to about \$704 a day. I thought they represented the average working person. Obviously you have to make at least \$700 for them to represent you because that's the sort of price bracket that they're in—\$700 a day. For the average person that's a lot of money; maybe not for the opposition, but that's a lot of a money: \$704 a day, \$3,520 a week, \$183,000 a year. It seems like it's a reasonable rate of pay to me, and to the average working person who has to actually go and earn their money, I think that's a reasonable return. Not only that, I think most lawyers should be willing to do some public service for the benefit of all people in this province. So the \$88 an hour—which happens to be the highest rate of pay in the country, I might add: \$88 an hour in Ontario; \$74 in Alberta; down to \$55 in Nova Scotia—is quite a reasonable rate of return. I think the average person would think \$88 an hour is not a bad pay for the average person to do good work representing those that need the representation.

I know the members opposite have not had to really work for a living for a long time; they've been elected for quite a while. But for the average person, 88 bucks an hour is not too bad.

The Acting Speaker: The member for Niagara Centre has two minutes to respond.

Mr Kormos: I know for a fact that there are more than a few members of the Conservative caucus who maintain their law practices. So I want to tell the clients of those members, the clients of people like Mr Wood or perhaps Mr Tascona, amongst others, that not one of you should be paying any accounts tendered by your Conservative backbench lawyer that charge in excess of \$80 an hour. As a matter of fact, if your lawyer, be it Mr Wood or Mr Tascona and whoever else in that Tory rank might still be practising law—I'm telling you right now, if you get a bill where the fee is more than \$80 an hour, you bring it to Queen's Park.

Interjection: Send it to Miller.

Mr Kormos: We'll take the Hansard of Mr Miller's comments and we'll have the bill taxed, saying that

clearly Mr Tascona and Mr Wood's own colleagues don't consider the work of their colleagues to be worth more than 80 bucks an hour. Clearly they don't expect that lawyer to hire staff, to hire support staff to maintain an office, to hire subscription services to any number of legal journals so they can stay on top of the law. They don't expect that lawyer to hire support staff to maintain an office, hire subscription services to any number of legal journals so they can stay on top of the law, or go to any upgrading conferences or retraining conferences, so clearly none of these Conservative backbench lawyers should be charging their clients in excess of \$80 an hour.

Interjection.

The Acting Speaker: The member from Scarborough, come to order.

Mr Kormos: I want to see some of Mr Young's accounts. He can black out the movie titles—I'm sorry, the names of the clients. It was Mr Jackson who blacked out the movie titles. Then he went and left the price in so anybody who had been around that block at least once knew exactly what it was. It wasn't Bambi—at least, not that Bambi.

In any event, I want the Attorney General to stand up and show us some of the accounts he's tendered: what it costs to maintain a law office and serve one's clients. I'll bet you it's been a long time since this Attorney General billed a client \$80 per hour.

The Acting Speaker: Further debate.

Mr John O'Toole (Durham): With the small amount of time that I've been allocated, it would be difficult to get into the substance of this bill.

I have to pay first respects to our Attorney General who's here tonight, the Honourable David Young, who introduced this bill in September 2002 to address the whole issue of access to justice for the most vulnerable in our society.

Mr Kormos: On a point of order, Mr Speaker: My apologies to Mr O'Toole, but I think it's really incumbent upon me to correct my record. I don't want to throw this Attorney General to the ranks of his predecessors within the Conservative government. This is the first good Attorney General that this Conservative government has had.

The Acting Speaker: It's not a point of order.

Mr O'Toole: The member for Niagara Centre I think made a point very well, substantiating what I said before: that our current Attorney General has tried to deal with the issue and as such has introduced, as I was saying, Bill 181 on September 30, 2002.

For those who are listening tonight and for those very few members on the opposite side, the whole issue here that I'm going to read in the preamble to the bill is that contracting out is added to the range of methods by which Legal Aid Ontario is authorized to provide legal aid services. "The Lieutenant Governor in Council is authorized to make regulations governing Legal Aid Ontario's methods of providing legal aid services, including requiring Legal Aid Ontario to hire staff or to develop and report on plans for contracting out legal aid services,

expanding the functions of family and criminal law duty counsel and governing Legal Aid Ontario's allocation of resources among methods of providing legal services (subsections 97(2.1) and (2.2))."

I want to reiterate the point that this is really a method or a mechanism of improving—and, more importantly, a piece of legislation that will improve—access to justice in this province of Ontario. Access to justice is one of the foundations of a free and democratic society.

The Ontario government has a responsibility to provide that high-quality legal advice is available to people in need. Ontario legal aid lawyers are amongst the highest paid in the country, as was mentioned earlier. I believe the top rate here in Ontario is \$88. That tariff has been increased recently. Some would argue, as in all cases—specifically, the Liberals always say it's never enough. The NDP, in their time in office—five years—did nothing. In fact, there are no NDP members in the House today to refute that.

The comparable rates would be—in Alberta and Nova Scotia, I think, it's around \$75 per hour. If the members will recall, our government raised the rate for certificate lawyers by 5% this year and we raised the duty counsel rate by 23%. Both measures took effect in August of this year. Despite the tariff increases, some legal aid lawyers have continued with work boycotts and other inappropriate tactics designed to slow down or, indeed, limit access to our justice system. They support their argument by pointing to the disparity between the legal aid tariff and the market rate in the open market for the service. The legal aid system, however, was never intended to be a private lawyer's sole means of income.

1910

I think it behooves us to stop and think for a moment. If you did the billable hours, I think there are 2,080 hours in a working year at 40 hours a week. I think that adds up to a potential of something close to or over \$150,000 a year of potential income that could be made on legal aid.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): That's more than the Premier.

Mr O'Toole: That's far more than the Premier of this province makes; indeed it's more than our Attorney General makes. The Attorney General, I think, would make around \$115,000 or something like that.

So this is a reasonable solution, I believe. It just needs reasonable people on both sides of the discussion.

In fact, the legal aid system has always had a pro bono element as well. The legal aid system has always been and will continue to be a public service for those in need.

As the Attorney General stated in his opening speech in the debate in this House, which I listened to intently, this government is not prepared to allow economically motivated tactics to interfere with public safety and the prosecution of accused individuals. Everyone in Ontario must continue to have full access to justice.

To ensure that the interest of justice continues to be served, our government is proposing to amend the Legal Aid Services Act, as I said in my earlier remarks. The purpose of this bill is to achieve a balance in the way

legal aid services are provided in this great province of Ontario. The legislation would, if passed, give Legal Aid Ontario new tools to make sure that people can receive legal representation—ie, a lawyer—how come they have a monopoly? Anyway, these options would include hiring more staff lawyers, expanding the role of duty counsel and contracting out work to private lawyers and law firms, much as it is done today. Many lawyers do take pro bono work and have a mixture of practice where they do some legal aid certificate work.

Legal Aid Ontario, the provincial agency responsible for administering legal aid service, established a pilot project two years ago in which family law staff offices were opened in Thunder Bay, Ottawa and Toronto. The evaluation of this pilot has determined that the mixed system is indeed a huge success.

In legal aid, legal aid is provided through separate legal aid plans in each of the provinces, although each province and territory has developed its own legal aid scheme. Three general models have been adopted. One is a staff system, much like we are proposing in this legislation; a *judicare* system, much like the legal aid system on its own; and, indeed, a mixed system.

I think at the end of the day we will have an improved system which will be a mix of both traditional legal aid methods as well as staff lawyers. Most provinces, it's important to note, either rely almost completely on staff lawyers or a mixture of staff and private counsel. Greater access is the destination.

I'd like to, in this limited time, review what other provinces are doing so that members of the House and those listening can see where Ontario is going and how our direction compares to other legal aid plans in other parts of this great country, Canada. Cue the music.

As you no doubt heard during the speech made by the member from Nipissing, under a staff system, a legal aid plan directly employs lawyers to provide legal aid services. Newfoundland and Labrador, Prince Edward Island, Nova Scotia and Saskatchewan have adopted this approach. They're wonderful provinces in this great country of Canada.

In staff systems, the private bar may still be used when circumstances warrant—for example, if there are conflicts of interest or staff lawyers are simply unavailable due to the high rate of crime.

New Brunswick, Ontario and Alberta are the only provinces that have preliminary *judicare* or a private bar system, although there are circumstances where there are staff lawyers available.

Finally, a mixed system is a combination of the *judicare* and staff system and utilizes both private and staff lawyers in the provision of legal aid services.

The key here—and I have to repeat this to keep the viewers and those few members from the Liberal Party and the NDP who are here—is access to the justice system.

The legal aid plans in Quebec are quite different, as usual. Manitoba, Northwest Territories, Nunavut and Yukon operate mixed systems of legal aid. In most of

these jurisdictions, the client has the right to choose counsel, either staff or private, from a panel of lawyers providing legal aid services. It seems appropriate customer service to me.

The mixed models have a proven track record of providing high-quality legal services to clients, and this is the type of system that Legal Aid Ontario would deliver if Bill 181 is passed. The Legal Aid Service Society of Manitoba has been responsible for the administration of legal aid services in that province for 30 years. Now under the NDP, it will probably be destroyed. Like Ontario, it is an entity governed by an independent board of directors whose members are appointed by the provincial government. Those in the opposition would say that there's meddling there. In mixed service models such as Manitoba's, the legal aid program provides for formal representation in the areas of criminal, family and poverty law. The program also represents groups in case of public interest.

When a client applies for legal aid in Manitoba, they can request a specific private bar lawyer. The plan will usually send the criteria to that lawyer, if the lawyer is available and willing to accept the certificate. If the applicant does not specify a lawyer, the plan will usually assign a staff lawyer. Legal Aid Manitoba provides legal advice to individuals who appear in court but do not have a lawyer acting on their behalf. This service is available in criminal youth and some child welfare court cases. Legal aid offers duty counsel services in approximately 50 communities in Manitoba. Staff lawyers provide 95% of these services. Staff lawyers, private lawyers, mandated by Legal Aid Manitoba or, dare I say, paralegals provide legal advice to individuals who are arrested outside of regular business hours. There's a whole issue here on the paralegals. It's the Justice Cory report, if people want to look into it. This service is usually provided over the phone and is available from 4:30 pm to 8 am. I will put to you that people out at that time of night possibly need a lawyer.

As you might know, the first legal aid services emerged in Quebec, of all places—there are lots of lawyers there; I've been there, I've lived there—in the post-World War II period as an initiative of the bar section of Quebec City. During the following years, the Quebec government and the bar of the province of Quebec signed agreements relating to the provision of legal aid services. In 1972, the Quebec Legislature passed the Legal Aid Act, which established the Legal Services Commission. The commission has the authority to establish legal aid centres and currently has 11 regions and two local centres overseeing the delivery of services in 128 legal aid offices throughout the province of Quebec. Each regional and local centre is governed by its own board of directors whose members are nominated by the commission. The commission operates a mixed *judicare* staff model. The clients can be represented by the private lawyer of their choice if they are available; otherwise, they are represented by staff lawyers. They're all lawyers. That's the point here, and maybe we should

be considering that point in some future bill, of course, under the paralegal issue.

Legal aid provides for a range of civil and criminal cases, including criminal charges involving an indictable offence, family cases, youth protection, young offenders and income security matters. Staff lawyers provide duty counsel representation at all criminal, administrative and family court locations across the province of Quebec.

Only summary legal assistance is provided through duty counsel representation. These would be administrative matters primarily. If the Legal Aid Services Amendment Act is passed, Legal Aid Ontario would be taking advantage of the strengthening that strengthens the offer for both staff and fee-for-service lawyers to provide effective legal aid services—a much better service for the very vulnerable, those members of our society confronting the legal system.

As has been said before, the current legal aid system grants private bar lawyers a monopoly over the provisions of the legal aid services in the area of criminal law and family law. The proposed legislation would help Legal Aid Ontario in ensuring that the stability and sustainability of the system, which is the very debate that we've read over the last month in the papers: certain judges making unusual rulings awarding payment. This is a very important matter of which we speak. It does come back to the issue of access to justice.

1920

We are committed to providing access to justice for all Ontarians. The legal aid system must protect the rights of those in need. It must also be able to prevent disruptions of the judicial system itself. I wouldn't want to delve into that too far, but it certainly seems to have happened in some cases. The proposed legislation would allow us to meet our obligations and responsibilities to ensure that everyone's right to legal representation is protected. Legal Aid Ontario would give the tools to achieve a balance in the way that services are delivered: appropriate staff, including hiring more staff lawyers, expanding the role of duty counsel, contracting out work, and reducing the nearly total reliance on the private bar for legal advice.

As I noted at length earlier, and I apologize for being at such length, mixed models that use staff lawyers operate elsewhere in Canada—we've established that very clearly—and work well to ensure high-quality and cost-effective services for those in need. Why would not Ontario follow that proven model?

As our Attorney General, David Young, has said before in this House and elsewhere, the private bar would continue to perform a significant part of the service delivery in the areas of family and criminal law matters. I believe all lawyers should have an opportunity to participate, either as staff or as private counsel. This proposed legislation would simply expand the method of service delivery and broaden options available to the client—the person who's being charged.

We believe that a mixed system is the best way to achieve a balance and have a sustainable legal aid

system. This battle has gone on beyond the courts too long. It has gone on too long. I commend our Attorney General for bringing this important initiative forward.

We believe—as I've said repeatedly, perhaps, and that's the notes I have—that a mixed system is the best way to achieve a balanced and sustainable legal aid system in Ontario. I put that to you and the members of this House, the very few—the single NDP and the three Liberals who are here, and I'm surprised there are that many in here; there are usually none—because I expect they'll be supporting this. It's my understanding that they don't have a lot of problem with this, except they pretty well oppose everything we try to do.

It is the best way to ensure everyone in Ontario has access to justice, and I urge all members in this House—not just on this side, the dutiful members of the government side—to give this considerable thought, give it their serious attention, and do the right thing. Support Mr Young on his Bill 181 to do the right thing.

I just want it for the record that the bottom line here is that during the Liberal government—may I say, in the distant past and possibly never to be heard of again—between 1987 and 1990: 0% increase; the NDP government between 1990 and 1995: 0%. We've often referred to that—we cluster it together as a decade—we call it the lost decade. Our government, from 1995 to the present, has had a 5% increase and 23 additional improvements for rural and remote areas.

The provincial comparison rate should be on the record as well. Ontario—as in most things, not to be arrogant—leads the way and shows the way for the rest of Canada. Ontario is \$88 per hour; Alberta is \$74 per hour; BC is \$72 per hour; Newfoundland is \$60 per hour; PEI is \$60 per hour; New Brunswick is \$60 per hour; Nova Scotia is \$55 per hour; Quebec has block payments, not hourly payments; Manitoba, block payments, not hourly; Saskatchewan has block payments. There's a number of them that aren't clear here, but Ontario certainly is far above.

The federal government's declining commitment to legal aid: immigration and criminal matters fall under their jurisdiction. In 1987 it was 35% federal, 45% provincial and 20% other jurisdictions. But the point I'm trying to make here is that clearly this government, our Attorney General, is leading the way. It's a different approach. It's providing more choice to more service for people of Ontario to have access to the justice system.

Fred Zemans, law professor from Osgoode Hall, CBC Radio, Tuesday, October 1: "All the studies show that in fact client satisfaction, rates of guilty pleas, rates of incarceration do not significantly change under a mixed delivery scheme. I think that we will not see in Ontario an American public defender scheme, but something probably very comparable to Manitoba where we'll have a scheme with some appropriate mix between the two (private bar and staff lawyers).

"I think what we need in Ontario is more experimentation, more willingness to try out different models in the criminal side of the delivery of legal services.

"The Ontario clinic system is considered internationally to be one of the very top models for delivering legal services to" the poor in this great province of Ontario.

I listen to the experts. I ask the opposition to listen to me, listen to the experts and do the right thing: support the Attorney General and have an accessible justice system.

The Acting Speaker: Comments and questions?

Mr Rick Bartolucci (Sudbury): I listened carefully to the comments by the member for Durham. I guess he's misinformed about what the direction of the Liberal caucus is going to be. We're not going to support this piece of legislation because we see it as detrimental to being able to provide those who have lower incomes with proper legal representation. We're also concerned that this bill creates a whole new bureaucracy, a public defender bureaucracy. We see that as not in the best interests of our justice system. We're very much concerned about the independence factor. We're concerned that there won't be the independence that is needed from the Attorney General's department. We're concerned that this government, again, wants to ram this legislation through.

To be perfectly honest, I've heard from lawyers in the city of greater Sudbury and they want this bill open to full public hearings. They want the committee, whatever committee this bill goes to, to come to Sudbury and listen to the concerns they have. We're afraid the government won't do that. We're concerned that this government only has one thing in mind, and that is, "Let's get back at those lawyers across the province who are organizing very effective protests about the inaction of the Harris-Eves government when it comes to legal aid." I'll tell you quite clearly that we as Liberals are opposed to Bill 181 and we want it to go to public hearings.

Mr Marchese: Before I attack the member for Durham, I want to say that I like him. After many years, you get to know people and you get to like them. Second, I want to say that we've got to get rid of these speeches. We've got to ban them; we do. If we don't ban them, you're going to have people like me over here sleeping and you won't be able to listen to anything the members have to say. After five minutes of reading a speech, you'll have Marchese here saying, "I'm in la-la-land." So we've got to get rid of speeches.

Third, we've got to fire those people writing speeches because they're more costly than legal aid. They do cost money, all these people in the backrooms writing speeches for all these members. I prefer to have a member standing up for five, six or seven minutes saying what he feels instead of defending the Attorney General because he has to, because the speech is in front of him. "Who volunteers to defend the Attorney General?" "I will." "Don't worry, you've got a speech ready-made. Here you go."

I wonder whether they have a law or whether there are actually people who volunteer and say, "I'll make that speech." You have a lot of regulars who get up here and read the speeches and ask the same questions day in and day out. I wouldn't do it; I wouldn't. Honest to God, I

wouldn't do it. I've got to tell you, John, I don't know; you guys are picking a war with the lawyers. I heard the member for Parry Sound-Muskoka going after lawyers and I said, "Uh-oh, something is up." Normally the member for Parry Sound-Muskoka wouldn't get up and say, "Eighty-five bucks an hour? Isn't that a lot of money? What do they want?" So I said to myself, "Something's fishy."

1930

Mr Kormos: Just wait until he needs a lawyer.

Mr Marchese: Yes, right.

The Ontario Bar Association calls the legislation "a political decision taken by a government trying to deflect criticism on a crisis that they are unable or unwilling to resolve." That's what this is all about. So this is the plan we got. Sad, eh?

Hon Mr Young: I wanted an opportunity to thank the member for Durham for his insightful comments this evening. I say to you, Speaker, that I think he has once again shown that he understands the issue and the problem and that government is here to take action to resolve problems when they are placed in front of us or, alternatively, to take action to prevent problems from occurring.

Unfortunately, during this debate some members—Liberal and New Democrat—have indicated on numerous occasions that this is about a war with lawyers. Nothing could be further from the truth. The reality is that this is about ensuring that those in need, some of the most vulnerable men, women and children across this province, have representation. This is about ensuring that the right to legal representation isn't being used as a bargaining chip for a couple of dollars here or a couple of dollars there.

It's quite reasonable for there to be a discussion as to what the right tariff should be, how much per hour a lawyer should make. That's fair, reasonable and appropriate. Indeed, this government, the Ernie Eves government, is the first in 15 years not only to engage in that discussion but to respond to it by way of a tariff increase. We increased the rates this past summer, in July 2002, by 5% for some and 23% for others.

It's quite reasonable to have a dialogue, and we have undertaken to continue that dialogue. We have said that was a first step. But it is simply inappropriate for members of the legal profession to withdraw their services as a bargaining chip, a tool to be used to get more money.

Mrs Marie Bountrogianni (Hamilton Mountain): I'm happy to comment on this legislation. Basically, this shows more mismanagement on the side of the government. Instead of negotiating in good faith with the lawyers, they decide to pull the rug from under their feet and say, "We're going to contract this out," in this case within the public sector of course, but it's the same thing. Basically, the rich will have lawyers who are more capable—well, we'll see whom you hire.

Interjections.

Mrs Bountrogianni: OK, we'll see whom you hire, but you can understand why we don't trust you. We'll see whom you hire.

Here we go again. Instead of taking the time and resources to bargain in good faith with the lawyers—and every lawyer I've spoken to—

Interjections.

Mrs Bountrogianni: Keep going. This makes me feel better. This makes me feel good, because I know it hurts over there.

Every lawyer I've spoken to, regardless of political stripe, is against this legislation. It's not just the lawyers I associate with; it's lawyers of all political stripes who are against this legislation.

Hon Mr Runciman: You admit you associate with lawyers?

Mrs Bountrogianni: I do associate with lawyers. Some of my best friends are lawyers.

I'd like to agree with my colleague from the NDP who said earlier that you are taking advantage of the public perception of lawyers. You really are. Shame on you, Attorney General. You're a lawyer. You're taking advantage of what people think of lawyers, that they're overpaid and, "Good, you're giving it to teachers and you're giving it to lawyers too."

That's the public perception out there that basically your propaganda has nurtured over the years, and now you're capitalizing on it. That's really not fair. Instead, you should have bargained in good faith. You should have taken the time and increased the resources.

We're tired of hearing what past governments have and haven't done. You've been in government since 1995. We're talking about the provincial government—not the federal government, the provincial NDP government or the Peterson government but your government. You've been in since 1995. You've had a lot of time to remedy this. Instead, you come in with a late fix, demoralizing yet another sector of society, in this case your colleagues, Attorney General, the lawyers.

Interjections.

The Acting Speaker: Order. The member for Durham has two minutes to respond.

Mr O'Toole: It is going to be very difficult to respond, but I just briefly want to give a one-liner. The member from Hamilton Mountain was making the argument that there is one law for the rich and one for the poor. They have all been licensed by the law society. Some of her best friends were lawyers. The member from Sudbury is true to the message. She read all the script, drank all the Kool-Aid.

The next one, the member from Trinity-Spadina—actually I always like listening to him, but he did criticize me for sticking to the script. This is a very important, very sensitive bill dealing with the most vulnerable people in our society so I felt it incumbent on me to speak very clearly about the great work that our Attorney General is doing.

This very comprehensive review—it's not that big; it's actually smaller than my private member's bill—but it's more the substance of the bill and what it's doing. I think that the—

Interjection.

Mr O'Toole: You always hear it from the little person over there.

Gerry McNeilly, the executive director of Legal Aid Manitoba—and I think this is a fine and appropriate way to end this debate, which has really been concluded now, because it is clear from their arguments that they can't refute the importance of this initiative.

This was on CBC Radio Tuesday, October 1. This is by Gerry McNeilly, executive director of Legal Aid Manitoba: "The mixed delivery system"—

Hon Mr Young: They have a public defenders' system.

Mr O'Toole: They have a public defenders' system, the Attorney General points out to me. How would I know? I'm not a lawyer—"we believe in Manitoba, allows for freedom of choice of counsel, provides swift, great flexibility, and we believe it's very cost-effective without sacrificing quality of service."

"In Manitoba"—and it's a socialist government—"since the inception of legal aid in 1972, we've had the mixed delivery system. I think it's ingrained here. I think the private bar is pleased with it. They provide about 60% of legal aid work via certificates. ...I think it works very effectively here."

The Acting Speaker: Further debate.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I am happy to have the opportunity this evening to talk about Bill 181. As the member from Durham has pointed out, it is not an especially long bill, but I would suggest that it is especially substantive in that it will significantly change, alter and, in my opinion, negatively impact how the poorest, the most vulnerable people in our province will be able to access legal services.

I have had the opportunity to speak with people in my riding who've had to avail themselves of legal aid services. I have also had the opportunity to sit down with lawyers who work in legal clinics and who provide legal services for the poor in our province. They have some time ago identified, for me, the many problems that are real right now, that are facing poor people in need of legal services.

Some of that relates to issues relating to compensation. The fact that the compensation for legal aid lawyers had not increased in the last 15 years did mean that there were fewer lawyers in the province who were inclined to assist people with those legal aid certificates. I have been provided with a document that does speak a bit to the history. The Legal Aid Services Act says that the private bar is the foundation for the provision of family and criminal legal aid services.

So when it was established that we should have a body in place to ensure that the poorest citizens in our province would have access to legal help, it was recognized that the best way to provide those services for our poorest citizens, for the neediest people, was through the private bar. As a result of that, Legal Aid Ontario was established whereby there was an arrangement between private sector lawyers and the government of Ontario. It

was recognized that private sector lawyers would provide the legal service and the province would provide the compensation. That has been in place, I believe, since 1987, if my memory serves me well, but it's been in place for a few decades in the province of Ontario and has provided some quality service for people who would not otherwise have the means to go out and hire a good lawyer.

1940

People I've spoken with in my riding who have been able to access legal services in that way are pleased with the fact they have a ticket in their hand and they can choose the lawyer. It's not like they have to go to a group of lawyers and they get whoever is at the top of the list or the next in line or whatever. They can go to a lawyer, who may be referred to them by a friend, who may have a reputation in the community in terms of understanding the kind of issue they would be bringing to that person.

I think we have to, number one, consider how this is going to impact the people who deserve this service. It is going to remove any choice they have in terms of who might represent their case, who will be their voice in a court of law. For me, that's a very important power I would have as an individual: if I don't have the means myself to afford legal counsel, there is a mechanism in place where the province can assist me.

We all believe in the right of an individual to legal counsel. However, should they not be able to have a say, so that it's not a two-tiered system, so regardless of how much money you may have, you can go to a lawyer of your choice and ask for help and assistance and be represented by someone you may know or you have some confidence in, as opposed to simply going to a public defender's office and getting whoever may come your way?

In conversations I've had with individuals, it has also been presented that the amendments in Bill 181 would allow the government to make regulations governing legal aid offices in terms of how they allocate their resources. This would happen through regulation. There's certainly concern, I think justifiably, around the fact that this section could just as easily be used by the government in the future to direct legal aid offices to allocate fewer resources to troublesome community-based clinics. Maybe that isn't the intention, but certainly there isn't any provision in the act that would prevent that from ultimately happening.

I think it's a reasonable concern to bring forward for debate and discussion and something that I would hope might be the subject of some discussion when the bill goes to committee. I say "when the bill...." It is certainly our hope and, I know, the hope of those people who will be significantly impacted by this legislation that it will go to committee. But this is just an example of one particular issue that needs a lot more discussion and input before such a bill might ever be implemented in law.

It has also been brought to my attention that the primary impact of this bill will be to severely curtail the legal aid offices' independence. I know in my community

they've been very proud of their independence. When we consider even our role as legislators, we have the responsibility of making laws for the good of the people of the province, and then the judiciary, which is totally separate, has the responsibility of administering the laws in a fair and equitable way.

I think it's an excellent system. When I go to schools and I talk to children about the role of government and we make those distinctions, we all come away from that conversation very firmly entrenched in the notion that it is absolutely essential that while one certainly depends on the other, the two must remain separate and distinct. However, there is the concern that the establishment of what this bill is presenting will in fact blur that and there won't be the distinction and independence.

The Legal Aid Services Act creates legal aid offices as an independent corporation charged to administer the legal aid system. That's what the present act does. Under the existing act, it is the legal aid office that decides how legal services are provided in the province within the parameters of their budget. However, this proposed bill will give the provincial government, through regulation, the power to step in and require that legal aid offices provide certain services and to allocate resources in certain areas.

So there is a concern, I think justifiably, that with the possible streaming of resources, legal aid offices will not be able to address a range of issues that may come through their door. Surely we as a government should not be in the business of designating what work an office should be doing. An office may not have enough cases to have someone on staff to deal in a specific area, so there may not be an experienced person in that area who could help. For example, if it was a personal bankruptcy issue and someone needed some legal aid help, if it was not an area identified by the ministry for a particular legal aid office, an individual would be significantly disadvantaged in accessing legal counsel that would be in his or her better interest.

I think the points that have been brought to my attention in this document are valid. It speaks to the fact that the plan presented by the government is less than ideal. There are those who actually provide this service in the province who have a lot of trouble, as they see many significant pitfalls that ultimately will impact the people it's designed to serve: the needy, the poor, who don't have money to go out and hire a lawyer. Now we're going to bring in a system that takes away from them the opportunity to qualify for a legal aid certificate and choose a lawyer to help them with their problem. They will be directed to this public defender's office, and the choice about who defends them or what they say is pretty much removed from their hands.

Another scenario that has been presented to me that I think is equally valid is the question of how appropriate it is to have a public defender, hired by the government, assist a citizen in a dispute that may involve the government. It's not unheard of that people who access legal aid are actually taking the government to court on a variety

of issues. The concern that has come to me from people in my riding is around, number one, how comfortable would people be going to a public defender's office to say, "By the way, I need your help as I fight the government on this issue," when in fact that's who's paying the people in the public defender's office. They are government employees.

Mr O'Toole: They're lawyers. They don't need—

Mrs Dombrowsky: The member from Durham says they're lawyers. Well, of course they're lawyers. Who else could defend these people? The point I'm trying to make is that they are also employees of the government and they would be required to assume cases to argue against the government. He obviously isn't a lawyer, because he doesn't get my point. The reality is that there is a conflict here.

The other concern is that our public defender office is going to be inclined to take those cases. It may be the case that they will be streamed into an area where it will be more of a challenge for people to access public defenders who will challenge government on any variety or range of issues. I think it's a valid point, and the people of the province deserve to be assured and reassured that this may not be the case. To date, I have not seen an explanation that, in my mind, would be especially comforting for people who would find themselves in that particular situation.

So I do believe that while the bill is not long, in its brevity it does present some significant issues for people in the province of Ontario who would find themselves in need of accessing legal aid services.

Another point I would like to make around Bill 181 is the need for public consultation on this. Certainly there are many people in the legal profession and in social service professions who would say that this was a surprise, that there was not an expectation that it was the plan of this government to establish public defender offices. So the people who continue to deal with people who find themselves in difficulty, who counsel them, who give them direction, want to have an opportunity to talk about the impact it will have for them in their role as individuals who try to assist the poor and people who need legal advice, legal direction and legal support.

1950

I think that it's perfectly reasonable to expect consultations on such a substantive piece of legislation. We are talking about fundamentally changing how our poorest and neediest Ontarians access legal services in the province. There's no question that the system in place right now needs some work. I say to the government, it needs some work. Roll up your sleeves, sit down at the table and talk to the representatives from the legal profession who, for a variety of reasons, have found it necessary to take actions to make their point around the needs that exist at the present time within the system.

We hear about communities where legal aid services have been withdrawn or suspended, and that is to highlight some very pressing issues. The fact that there's a segment that had not received a raise in 15 years is

significant, and unfortunately, it did require some rather drastic action. As is always the case, the victims are the most innocent and most needy.

It was David Peterson, actually, in 1987 who provided the last raise for legal aid lawyers. For the member from Durham, who seems to have a problem with the facts, that is the fact.

It was suggested in this Legislature earlier this evening, I think by the member from Nipissing—we know that at the present time legal aid lawyers are paid \$88 an hour—that he thought that was adequate compensation. As soon as he said it, it brought to my mind an issue I was dealing with in my office whereby—

Interjection.

Mrs Dombrowsky: I'm sorry, it wasn't the member from Nipissing. The member from Nipissing is saying, "No, it wasn't me." For the record, it wasn't. It was the member from Parry Sound-Muskoka who suggested \$88 was reasonable compensation. When he said that, it brought to my mind that the owner of a gas station in my riding just got a bill from a government inspector who just came along to check the gas pumps. He didn't ask for the inspection; it's just one that happens. Apparently, the person wasn't there 10 minutes to do this inspection. Everything was fine. The operator got a bill for \$125—\$125 for 10 minutes of work. This owner said to me, "I didn't know this man was coming around. If I had known, I might have put a little money aside to pay the bill. But I have to tell you, I have to sell a lot of gas to make \$125."

So I wrote a letter to the minister to suggest that maybe the minister might explain for my constituent why it would cost \$125 to have a provincial inspector do a 10-minute inspection. The response I received was, "Well, you know, there are all kinds of administration costs. It's not just the costs relating to the actual 10 minutes of doing the inspection. There's a lot of behind-the-scenes administrative work that has to happen."

I would suggest to the member from Parry Sound-Muskoka that for a legal aid lawyer who is now being paid \$88 an hour, there's a lot of work that goes into preparing a case before it ever gets to court. The problem lawyers are finding right now in the province is that because, in fact, it costs them money to represent legal aid cases, there are fewer and fewer lawyers opting for that. While they would like to, they have families, obligations, and it's not reasonable for them to make those considerations. I know there are lawyers who do it at great sacrifice to themselves and their practices, in terms of the time that they spend, and that there is really no compensation for that.

If we want to just throw around numbers, that's fine, but let's talk about numbers. Let's put it all in perspective. If you want to talk about what \$88 can buy you in Ontario, fine; I'm up for that conversation too. I'm telling you what it costs to get your gas pump inspected, and it takes a lot less than an hour: \$125 in Ontario.

This issue is really far too important to be sidetracked on strictly the dollar issue. This is about ensuring that the

neediest and poorest people in Ontario have access to quality legal services, and I think there's a great deal to be said for the system that is in place right now. It offers a certificate for these individuals so that they can access a lawyer of their choice to represent them confidently, and they deserve that. At the very least, what I would say from this side of the House is this bill definitely needs to go to committee. We definitely need to hear what the people of Ontario are saying about this, and most certainly the people who are involved in providing the service, and the people who receive the service. We need to hear from them what they think about it, how they feel about it, because I have to say that the reaction I've experienced in my community has not been positive. It has not been positive either from the people who will be providing or perhaps not providing the service any longer, but certainly as well not positive from those individuals who would be accessing legal aid services either.

It's a topic that we must pay some attention to. We must listen to what we're hearing out there, and we must work as hard as we can to bring in the best law that really is going to ensure that the people who need justice get it, and get it in a timely way.

The Acting Speaker: Comments and questions.

Mr David Christopherson (Hamilton West): I'm pleased to rise and comment on the remarks of our colleague from Hastings-Frontenac-Lennox and Addington. Once again, she has delivered a very effective speech that touched on a whole host of—

Interjection.

Mr Christopherson: I can understand that the member for Durham—who's mumbling away as I speak—might not be so pleased, because she took him on a couple of times throughout her remarks, and I thought she did it pretty effectively too, just like she made every other point effectively. One of the remarks that jumped out was when she called on the government to—and I jotted it down—"roll up your sleeves and work out an agreement." Obviously, the government has been doing the opposite of that, because for 18 months the Ontario Bar Association's task force on legal aid tariff reform has been meeting with you, attempting to come up with a resolve. It's interesting to point out that the Ontario Bar Association called the legislation "a political decision taken by a government trying to deflect criticism of a crisis that they are unable or unwilling to resolve." I might add, a crisis that they created, which is of course the pattern of this government started by the very famous John Snobelen.

They also go on to say that as far as they're concerned the government has been "blatantly ignoring more than 18 months of good faith." I mean, this is not a new issue. The member from Hastings-Frontenac-Lennox and Addington said "roll up your sleeves and get the job done," because obviously you haven't done it to date. You've been wasting time. I spent weeks travelling the province in pre-budget consultations, and at virtually every hearing we had a group come forward about legal aid and the crisis and the way that individual Ontarians

are losing their rights. I agree with her: roll up your sleeves and resolve this.

2000

Mr Bob Wood (London West): I'd like to observe that the member touched on a number of issues that I think are significant in relation to this bill. When we take a look at the question of public defenders, the ministry's own studies do not indicate a savings in the employment of public defenders versus counsel retained by legal aid certificates.

There would appear to be the danger of a conflict of interest when the funder—that is, Legal Aid Ontario—also becomes the service provider. Obviously, there's going to be a great temptation on the part of the funder to bias the funding formula toward their own service, and I think that's a problem that is there and it is one that has to be addressed.

There's also the question of accountability of counsel to the client. Under the certificate system, if a client is dissatisfied they can take action and change counsel and they can do that also by choosing counsel. Where you have a public defender system, the accountability of the counsel to the client is significantly reduced.

I'd also note that under the public defender system, where the lawyer is in effect directly employed by the government, it's likely that policy will be set by the government, and I think one has to look at the implications of that with respect to the independence of the defence bar.

We also have to face the fact that there is a problem now with the amount of funding that is given to defence counsel, and that's established by the court cases. I think to ignore that problem is not to be realistic.

Some of the points made are real and they're worth looking at. I'd also like to express the hope that there may be the possibility of some agreement soon between the government and the defence bar so that we can get on with the duty of serving the public, who are not just the accused but also the public generally, who have a strong interest in fair and effective trials.

Mrs Bountrogianni: I'm pleased to respond to the comments made by my colleague Leona Dombrowsky from Hastings-Frontenac-Lennox and Addington, but first I'd like to congratulate the member from London West. It takes courage to do what you just did as a member, and you gave from your professional background a very good analysis of why we need to look at this legislation again and why public hearings are so important.

The fact that under the present system if a client is not happy with their lawyer they can choose another lawyer is an important fact and an important distinction with this legislation, and that needs to be looked at, at the very least, at committee. I hope we get public hearings on this because the track record on this government on public hearings has been dismal.

I'd also like to correct something that the member from Durham said; I believe my colleague did as well. We—that is to say, the Peterson government—were the last government to give a raise to legal aid, so what the member from Durham said was incorrect.

The other point that the member from London West made, that we all agree with and have debated so far, is the level of funding levels, because that is at the crux of this. This is basically a Band-Aid solution, a sort of cheap way out—instead of, as my colleague said, rolling up your sleeves and working—of a difficult situation. Of course, negotiations are always difficult. It's never easy when you have to negotiate something, but it's this short-term solution which will take away the freedom of choice from poor people, from people who can't afford the lawyers. But by the grace of God, any of us could be in that position at any time, or our children, or our families, and we hope that we would keep that distinction that Ontario holds between Ontario and the US, and that is, it doesn't matter how much money you have, you can be defended by the best as long as the best is there to defend you and has the proper resources to defend you.

Again, congratulations to my colleague from—the longest name—Hastings-Frontenac-Lennox and Addington, and from my colleagues from Hamilton West and London West.

Mr Kormos: In a very short period of time, David Christopherson, the member from Hamilton West, is going to be speaking to this bill. The rotation now goes from the Liberals to the Conservatives. I'm not sure which Conservative member is going to speak to it. I would dearly love to hear the member for London West be allotted a 20-minute slot to present his critique, his concerns, about the legislation.

I would exhort his colleagues to listen to him; if you didn't want to listen to what the opposition had to say, listen to what your colleague has to say, a person with as strong an ideological bent—as any of you have—for many of you perhaps even stronger, but who nonetheless can understand that this bill warrants some serious consideration, that there are some valid concerns to be expressed during the course of that debate, and it's imperative that that debate be held. Quite frankly, your colleague the member for London West displayed more integrity and commitment to his role in this Legislature this evening in that brief two minutes than many of you have shown—

Interjection.

Mr Kormos: Reflect on it—than many of you have shown during however many years of service you might have had here. Reflect on that a little bit—friends. That was hard coming; you saw I had to force that.

Interjections.

Mr Kormos: That was tough. I've still got the shivers going up and down my spine on that one.

This bill needs committee hearings. There are serious considerations that have to be addressed. There's a whole community out there in this province that's prepared to participate in that process of addressing those concerns: obviously lawyers, legal aid personnel, people from legal clinics, any number of groups that have to access Legal Aid Ontario, either through its clinic program or its certificate program. The resources are out there; I want to see this government show the courage to access them.

Mrs Dombrowsky: I'd like to thank the members from Hamilton West, Hamilton Mountain, Niagara Centre and certainly the member for London West, who have offered their comments, and the member for London West particularly, as a member of the government who has been able to recognize that the bill will have an impact for the people who have need of accessing legal aid services. They are the focus of this debate, and I think it's important that the conversation we have around this continues to focus on those individuals who need to access a service. The manner in which that has happened heretofore, while it has certainly been wrought with challenge and may be in need of some tinkering, is a very solid system that is in need of repair, but I don't think of a complete overhaul as has been presented in this legislation.

I particularly appreciate the comments from the member for London West who was able to, I believe, cite three examples of how individuals who may require legal aid services would not, in fact, be able to access the same kind of service that is in place at the present time. Again, it underlines my plea, the plea of the official opposition in this Legislature, that there must be an opportunity for the public to speak to this legislation—the impact it will have, both certainly on the people who will receive the service and the people who will be providing it.

It's really been a privilege for me to participate in the debate so far, and I certainly am looking forward to hearing more on it.

The Acting Speaker: Further debate.

Mrs Julia Munro (York North): I'm pleased to be here today to speak about the Legal Aid Services Amendment Act. This legislation, if passed, would create a balanced model for the delivery of legal aid services meant to ensure that low-income Ontarians have appropriate access to legal representation. No one should be denied legal representation. If passed, this legislation will ensure that Legal Aid Ontario has the tools to ensure representation for the people of this province who need it most. This legislation would allow Legal Aid Ontario to hire more salaried lawyers to provide legal aid services. It would also allow them to hire, on a contract basis, qualified lawyers and law firms to do legal aid work in a given community. It would allow Legal Aid Ontario to expand the roles and responsibilities of existing duty counsel.

The Legal Aid system exists to protect the rights of people in need. It plays an important role in helping these people find legal representation. This legislation is one of the many steps our government has taken to improve the justice system and protect vulnerable people in Ontario.

I'd like to detail for the members of the House some of the programs and services the government has implemented to improve access to justice.

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All Ontarians should feel safe as they walk the streets, go to work, raise their families and carry out their daily lives. They should know that they are safe and that there is a justice system that is both effective and responsive to

their needs should they find themselves the target of a criminal act.

Since 1995 we have worked to expand the rights of victims and have passed new laws to protect the public. We have taken a number of steps to enhance the system of supports available to victims of crime and disaster as they rebuild their lives.

One key part of our commitment to victims is the Victims' Bill of Rights, which ensures that the needs and rights of victims of crime are a priority. It established a legislated set of principles to support victims throughout the criminal justice process. For example, victims should be treated with courtesy, compassion and respect for their personal dignity and privacy. The Victims' Bill of Rights is part of our overall goal of creating a system that respects the rights of the victim as well as the rights of the accused.

To further protect the rights of victims, we created the first permanent Office for Victims of Crime in Canada. This commitment includes helping victims, making sure that victims of crime in Ontario have access to the support and service they need and deserve.

Through the use of the victims' justice fund, the government will continue to expand and enhance the network of supports available to victims in this province. The victims' justice fund, created by this government as part of the Victims' Bill of Rights, collects money from a provincial victim fine surcharge and is dedicated solely to providing services for victims of crime.

These actions to protect the rights of victims are essential. Victims did not choose to become victims. The sad reality is that it is a fate inflicted on them by the criminal action of others. Crime, sadly, affects many people. It knows no boundaries. It can be random and it could happen to any of us at any time.

Sadly, children are most often the innocent victims of crime. We must do everything we can to protect children from danger. This is a priority for our government. The rise in child sexual exploitation in our society is troubling. That's why this government has made it a priority to help protect them from abuse and neglect. Life on the streets may often be the only choice for children who have to escape physical and sexual abuse they have experienced at home. We need to help them break free of physical abuse, sexual abuse and substance abuse. The pimps and johns who prey on them must not be allowed to take advantage of them. We must help these children, and we are taking action to help them.

The Rescuing Children from Sexual Exploitation Act is an important step in that commitment. This legislation, recently passed by this House, will help break the cycle of dependence and exploitation. It will help to rescue children from a life on the streets. It will give police and children's aid society workers the tools they need to remove these children from the dangerous situations they have fallen into, and place them in safe, secure locations where they can get the help they so desperately need.

We believe that sexual predators who prey upon children should also be held accountable for their actions.

Under this legislation, the government would be able to sue those who sexually exploit children and recover the costs associated with treating their victims.

Additionally, they should not be allowed to profit from their crimes. Our government has taken action to ensure that victims are not further traumatized by, and that criminals do not benefit from, the recounting of their crimes. We have introduced legislation aimed at stopping criminals from making a profit from their illegal acts. It is unacceptable that criminals profit by revictimizing those who have already suffered. These victims have suffered enough, and they should not be forced to relive the crime over and over again.

The Prohibiting Profiting from Recounting Crimes Act, once proclaimed, will allow the confiscation of any proceeds criminals make as a result of retelling their stories. It would deal with a number of different sources, including media interviews, books and movies. The legislation applies to contracts regardless of when the crime was committed and whether it was committed before or after the enactment of the legislation. In addition, a fund would be established with the forfeited money and it would be made available to the victims of the crimes.

Our government is committed to taking the profit out of crime. Criminals should not be able to profit financially from the misery that they have caused innocent people. We have also taken action against those who profit illegally from illicit activities. Organized crime is a serious problem and is increasing in its sophistication. It puts the economic security of Ontarians at risk and defrauds them of their hard-earned money. It is estimated that organized crime costs Canadians an estimated \$5 billion or more per year.

We've gone after organized crime where it hurts the most—their bottom line—and proclaimed An Act to provide civil remedies for organized crime and other unlawful activities. Under this act, which is the first of its kind in Canada, the province can freeze, seize and forfeit the proceeds of unlawful activities. By passing this legislation, we know we would have 21st-century tools to counter 21st-century crimes.

It would also provide for the return of unlawful profits to the people who have been victimized. Victims would be able to apply for compensation and get at least some recognition for their losses. It sends a clear message to organized crime that the profits of their illicit activities are not safe in the province of Ontario.

Safe communities are a priority for people across this province. Ontarians should feel safe in their communities and on their streets. As part of our commitment to making streets and communities safer, we introduced the Safe Streets Act. It provides more legal tools to protect our communities. We've taken steps to make it illegal to squeegee, engage in aggressive solicitation and dispose of dangerous objects in our parks, schoolyards and other public places.

These are just some of the many actions we have taken to protect the people of Ontario and to support those who

have been made victims. We are continuing to do that with the introduction of Bill 181. We want to ensure that public safety is not compromised. We also want to ensure that the rights of people in need, who are often the most vulnerable people in our society, are protected.

Legal Aid is an essential resource for many people in this province and it is an integral part of an efficient and effective justice system. This proposed legislation would ensure that low-income Ontarians, regardless of where they live in the province, have access to legal representation in their time of need.

Legal aid services must be available to those who need them. We believe that their rights should be protected. I urge the members to support this legislation.

The Acting Speaker: Comments and questions? I'm looking at the official opposition. I'm looking at the third party.

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Mr Kormos: It's not so much a comment as a question, and perhaps not so much to the member herself who, I'm sure, acted in good faith, but which one of her staff people gave her the wrong speech? It's a cruel thing to do to a member.

I say to her staff people that it's a cruel thing to do to a member: to give that member a speech that is an old speech, a combination of speeches that were addressing several other bills, knowing that member is going to rely upon that speech verbatim, that her exercise of addressing this House this evening is going to consist of merely reading that speech, and that she doesn't have time to read it in advance. She's a busy person. In no way could she have protected herself against that sort of cruel joke. For the staff people to do that to this member, I find objectionable. I find it deplorable. Quite frankly, I think this member's colleagues should take it seriously enough that there should be some sort of investigation.

If it were a mere inadvertent slip-up, if it were mere inadvertence, one would understand. But if this were done intentionally just to embarrass this member, I say to you that heads should roll. Nothing that we've seen exposed over the course of the last two or three weeks has been as egregious as this kind of cruel hoax on a hard-working member of the assembly who relies upon the speeches delivered to her to support government policy. Because Lord knows, if she were left to her own devices she would undoubtedly be as critical as some of her silent colleagues, who will only voice their criticisms in private but are too intimidated by this heavy-handed government to take their place.

I've talked to members of the government caucus who have said they aren't allowed to speak to various pieces of legislation. I don't know whether they've been threatened or bullied, but the fact is that the government caucus has members who are fearful of speaking out against their government's policies, probably for good reason.

Mr Steve Gilchrist (Scarborough East): It was quite humorous listening to the member from Welland, who normally has a monopoly in this House on embarrassing himself. So he's certainly an authority figure when it

comes to the subject matter. Obviously what the member was doing was addressing the wide panoply of issues that this government has moved forward on in the areas of victims' rights and justice initiatives generally. I think it's a great context.

Let me just say, particularly for those who were watching earlier today in the afternoon session, you and your colleague weren't even able to stay anywhere near the subject matter of the bill. You ranged all the way to school trustees and all sorts of other arcane diversions. So the ridiculous and the sublime are both within your purview over here.

This speech was all about the context of a government that is committed to making sure that law and order is a hallmark of this province. We care more about victims. We care more about the people who are law-abiding. We don't care about the folks who pay Peter Kormos's bill.

By the way, Peter, you missed another opportunity just now to say how you're billing legal clients. You suggested that \$88 was not enough. I would be curious to know. Maybe the next time we're on Michael Coren you can tell folks what you think is the appropriate amount that your clients should be paying.

But the bottom line is that our government is committed. This bill is one more initiative. I look forward to making further comments on this bill in the minutes to come.

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I'm pleased to make a few comments. I wanted to make a few comments on some of the previous speakers.

I've never heard from as many lawyers and legal people as I've heard from recently. These are people who you never hear from at other times, unless there is something really bothering them.

The Liberal Party would like to say that low-income Ontarians should be a priority for this government. It's far more costly when people aren't represented in court. We're afraid that the proposal would create a two-tier system. Government shouldn't be playing politics with legal aid. As was said earlier, the last time they got a raise was back in 1987. That was a different government in power.

We should have public hearings, because I know there are many in my community and many in other communities in the province who have a lot to say. We should get it to the committee level and let the legal profession speak on their behalf. I think we would all learn a lot. Maybe after they've had the public hearings, as one of the members across the way said, I think we would come up with a better bill, something that we could all live with and we'd be happy to represent to our constituents. We should put politics out of this and get on to the hearings. I think that's what the people of Ontario want.

Mr Christopherson: In reflecting on the comments of the member from York North, once again, for some strange reason, a member of the government caucus continues to want to talk about the Victims' Bill of Rights, a

discussion we're more than prepared to have on this side of the House. She mentioned it in the context of the litany of things that this government has done for law and order, especially for victims of crime.

Well, in May 1999, Superior Court Justice Gerald Day ruled, and this is, for anyone who may have forgotten the two Ontario citizens, the two women who went to court to have upheld the rights that they were told existed in the Victims' Bill of Rights, only to have the government roll in their lawyers and argue in front of Judge Day that said rights didn't exist in the law. Judge Day said this:

"I conclude that the Legislature"—that would be the majority government, because we all voted against it—"did not intend for the Victims' Bill of Rights to provide rights to the victims of crimes. The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime."

That's what a superior court judge said when two citizens asked to have enforced the rights that you said they have. That's disgraceful. You have no right to brag about what you've done to the victims of crime.

The Acting Speaker: The member for York North has two minutes to respond.

Mrs Munro: Thank you to the members from Scarborough East, Stormont-Dundas-Charlottenburgh and Hamilton West who made comments. I think the important point here is that the comments I made were set in the context of Bill 181. Some members referred to the fact that I had included other initiatives undertaken by our government, but that is in the context, then, of this as another demonstration of our commitment to ensuring that the justice system for all people, whether you are there in need of legal aid or there as a victim, is addressed. That's the important point that my remarks were to include.

I think that if you look at Bill 181 in this context, then it becomes simply one more piece of evidence in the commitment that we have as government to ensure that we do have safe communities and that people from all walks of life are going to be provided with protection, whether it's through legal aid or whether it's through the various methods of legislation as victims and the limits on the benefit of criminals. All of this is designed as part of that overall commitment to ensure that Ontario is a safer community for all.

The Acting Speaker: Further debate?

Mr Ramsay: I am pleased to stand in my place tonight to speak to Bill 181, and I'm glad to see the Attorney General here taking all the abuse from the opposition tonight. He's doing that very well, but it's an issue that all of us over here are taking very seriously because, as my colleague from Cornwall is saying, we are getting a lot of calls from the legal profession in our ridings. They are very upset with the Attorney General and this government in what has been a very cherished tradition and part of the legal culture of this province, a good and well-founded and well-funded legal aid system, which now is falling apart, coming into disrepute. You

only have to pick up a daily newspaper and see judge after judge ordering an increase of these fees, or dismissing cases because justice hasn't been completed in a timely fashion. I know this has become a major headache for the Attorney General, this going on while he is in negotiations with the legal profession.

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Quite frankly, this is why the lawyers in the province are very, very angry at the Attorney General and his ministry people, because negotiations have been going on and they thought they were making some progress, but I guess the minister now, after pulling out his hair and giving up on this thing, has decided to take his ball and to go home. I can't think of any other organization involved in negotiations that can pack it up and say, "I don't like the way this is proceeding; therefore, I'm going to change the law." The Attorney General of course has the power, being part of the government, to do that, so because he's not getting it his own way he's going to change the law to make it his own way. That's really upsetting the lawyers, who of course are people that function within the legal system and, like the rest of us, have to obey the law. In this case the Attorney General is just going to change the law to make it happen.

Many of the members tonight in their discourse have said that the last time legal aid lawyers in the province received a raise was during the Peterson government days in 1987. The Attorney General talked about a 5% raise this summer, but after all those years that is just a drop in the bucket. Lawyers cannot carry on practising that way. I don't know what other profession or job in this province has not received a raise since 1987. It happens to be lawyers, and it happens to be those lawyers who are defending the most vulnerable people in our society. Really, that's what this is about. You try to keep it on lawyers, and it is about lawyers, but it's really vulnerable people that this is about. We have to make sure that vulnerable people receive the legal due process they deserve.

I'm from northern Ontario, and we have some particular challenges there. In the riding north of us, the First Nations people who live up there are spread out over a vast, vast part of this northern province. Basically, I live in nine tenths of Ontario, northern Ontario. First Nations people in reserves all through northeastern Ontario, up the James Bay coast, require legal representation. Lawyers stationed out of Cochrane and Iroquois Falls and Timmins serve that area. They have to fly up to that area to consult with their clients. Trials happen north of where they live into these areas, so they fly in; it takes a lot of time. There have to be provisions made for the effort and the time lawyers spend in defending our First Nations people who find themselves involved in the criminal justice system. This is a particular challenge in northern Ontario, and this Attorney General and this government have to deal with that.

What he's proposing here, instead of the system that we've developed for about 80 years now, is basically a two-tier system. If we go to the public defender system,

as they have in the United States, we're going to have a two-tier system: those of us who can afford good legal representation are going to get that; those who can't are going to get lawyers who basically are just out of law school, who maybe are good lawyers but who don't have the legal experience that time would give them. So these people are not going to get the representation they are due.

Basically, a plea bargain factory is what's going to happen, like you see in the States, because to get these cases through and not tie up the courts—"We now work for the state because we're part of the public defenders, so we've got to get these through and we're just going to do this by plea bargain." What we're going to have is a lot of low-income people getting their "Go directly to jail" card. They're not going to go to court; they're going to go directly to jail after being charged. That's what we're going to have here: a total revolving-door justice system for people who can't afford to get the legal representation they deserve.

Attorney General, you're going to be judged by how you treat the most vulnerable in our society. This is another test of this government. It looks, from this bill you're putting forward, like you're going to fail this test also—

Hon Mr Young: OK.

Mr Ramsay: Another one. I'm glad you're agreeing with me, because that's what this is going to amount to. You're looking at building a two-tier health care system, and now we're starting to build a two-tier criminal justice system. That's what this is coming to, and people who can't afford good legal representation are going to end up without the benefits of the legal justice system.

So basically it's going to be the dream team versus public defenders, and that's the system that you're basically developing. Low-income people are going to go to jail, and with this you're going to have to be building more jails because without good legal representation, that's what's going to happen. It's all by plea bargain. You'd better start warehousing these people and get some more of these superjails built that you are so enthralled with. You're going to be judged by this, and as I said, I think you are going to fail that.

My colleague from Cornwall also mentioned, and so did the member from Sudbury earlier this evening, the importance of this legislation coming forward to committee after a second hearing. It is going to be very important that lawyers right across this province have an opportunity to comment on this legislation. I hope what our House leader has just said is not true, that we do have an opportunity—

Mr Dwight Duncan (Windsor-St Clair): We had a deal and the Attorney General scuttled it.

Mr Ramsay: Well, I hope the Attorney General has not scuttled that deal to make sure that we have hearings across this province, because people are asking for this.

Mr Duncan: Kormos agreed.

Mr Ramsay: I'm sure the member from Niagara Centre would also agree that we have public hearings,

but that they not just be in Toronto, that they be across this province, because whether you live in the southwest, the east, the north or in central Ontario, the legal profession wants to be able to comment on this. They want to bring their experiences in their parts of the province as to how the legal aid system should be working, how it has worked before it was broken, and how it should be working in a future that should be better for the criminal justice system. This piece of legislation, Bill 181, is not the way to do it.

I'd say to the Attorney General, he should think again about public hearings. We need to have those. We need to make sure the legal profession and all the other advocates out there for people that find themselves on the wrong side of the criminal justice system have that opportunity to bring forward their experience and the benefit of their experience to the legislative committee and to the government in particular so that you would benefit from that and look at amendments to change this system.

I guess ideally, though, what I'd say is to stand down the legislation right now and go back to the bargaining table, because what the lawyers of Ontario are saying is that you are bargaining in bad faith by bringing forward this legislation at this particular crucial time in these negotiations.

You've been talking with Ontario's lawyers for quite a while now on this. There has been a lot of frustration. I know on your part it has been very frustrating; you don't feel there's been any progress being made. I think you have to realize that since 1987 these people have deserved more. If the people of the province are to get a good legal aid system, you have to make sure the lawyers have the resources.

I know in earlier speeches this evening there's been a lot of bandying around about the \$88 fee. I'd like people to know at home of course that when you're talking \$88, you're not talking about somebody as an hourly wage getting \$88. Lawyers have overhead expenses. They've got their assistants, they've got researchers in the office, they've got the office overhead, the lights and the heating to keep an office together. So it's expensive. All the subscription services that are required to keep lawyers up to date on our changes and nuances in the law—these are ongoing expenses. So it is a very bare-bones operation. I'm sure many of those that are lawyers in this House know what other lawyers in this province charge, and that fee is very, very bare-bones.

The cost of doing business in Ontario is higher than other provinces. That's why the fee is higher in Ontario and should be higher in Ontario than in any other province, because of the cost of doing business here.

I would say to the Attorney General that I guess the best thing to do would be to stand down this legislation and go back to the bargaining table, start to bargain in good faith with the lawyers of Ontario and make sure that the legal aid system gets the resources that it deserves so that the people who deserve a good criminal justice system get the system that they deserve.

I'd like to also compliment the member from London West, who stood in his place during the "two-minuters," as we call them, in response to members' speeches, and gave a very good critical analysis of what was wrong with this bill and giving some suggestions of what could make this bill right.

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It's rare in this place that we get that sort of opportunity, where we have somebody from the government side actually stand up and give an objective view of a piece of legislation. Maybe if we had good democratic reform, we'd get more of that debate. Governments wouldn't worry about being defeated. We could get into free votes, really get into some parliamentary reform. Every so often there's a little glimmer of light, as we saw tonight from the member for London West, who stood in his place and, as somebody who obviously knows that profession, being a lawyer himself, gave a very good, short, concise, constructive critique of this legislation, and informed a lot of us of what could happen and what the possibilities of this bill could be if we were free to truly debate it and to truly move amendments that the government would consider in an open and honest fashion. But it was just for a second we had that glimmer, and it was gone.

Mr Duncan: All too brief.

Mr Ramsay: All too brief, for sure.

Hopefully we could all work together on some parliamentary reform in this place. We could become serious as legislators and have those constructive debates and together maybe work out pieces of legislation such as this that shouldn't be partisan. They're not based on ideology; they're based on how we best provide a service to people. That's the only difference we have here. None of us have any disagreement as to the need for some sort of legal aid system.

We know that if our criminal justice system is to function properly, we have to have a well-funded system. We have to make sure clients are well represented. If the system is to run efficiently and effectively, that has to happen. It's not only for the client, but for the system. For the system to work, there have to be good practitioners in it. To have and to attract good practitioners, we have to have the resources. There's no other answer to that.

I know we get thrown back at us all the time from the government side, "You're always speaking of resources." Yes, resources is a code word, I suppose, for money, but it does take money to provide good public service. Hopefully the government someday is going to realize that there still is a need in Ontario for a good public service, that there still is a role for government. This is certainly one of those areas.

It reminds me of the remarks by the Minister of Northern Development last week. That was an unfortunate criticism of the public service of this province. This government should take pride that it was a previous Conservative government that probably brought the public service to world attention, under Bill Davis. Ontario's public service was recognized as being world-class.

Mr Duncan: Those were the days.

Mr Ramsay: Those were the days. They were really the good old days. It was interesting that after the brief stint of the Frank Miller government—I see his son Norm is here tonight; it's great that we have you here—the David Peterson government came in, and I remember that after all those 42 years of Conservative government, the first thing David Peterson said when he brought in all the deputy ministers was, "We're the government now, but I trust you as the public service. I want to work with you and enter into a partnership with you, because I understand what your job is. Your job is to support the government of the day."

Mr Duncan: Bob Rae changed all that.

Mr Ramsay: He did. It looks like today, even with this government, there's not much trust, unfortunately, between some of the ministers and the civil service. But that's another public system that also needs to be defended and needs adequate resources.

Tonight, during speeches on this bill, both government and opposition members have talked about another criminal justice bill that came through this Legislature, the Victims' Bill of Rights. It's in some degree related to this. It has been interesting to note, and it has been noted over and over and I think it's worth repeating, that this government likes to use hyperbole in the titles and purposes of its bills. I think the Victims' Bill of Rights was one gross example of that.

Mr Duncan: Nothing in it.

Mr Ramsay: As my House leader says, there was absolutely nothing in it, and that was proved through a court case. Those of us who have even the briefest of interest in constitutional law in this country understand that it's only the federal government that is allowed to confer any new rights upon the citizenry of this country. Provinces cannot do that. It is not within our domain in our provincial Legislatures to do that, yet we receive a bill such as the Victims' Bill of Rights that touts that this provincial government is conferring new rights on people, on people who certainly deserve protection and probably deserve those rights, but they can't be delivered via this venue. They can only be delivered via the federal government, through the House of Commons.

It's another example where, I suppose, this government is trying through its different criminal justice bills to push those hot buttons that they feel are attractive to the voters they want to represent, just like they want to clean up everybody's grooming in the jails. That's another hot button for people who want to bring law and order to everything.

In this bill, I say to the Attorney General that he really needs to go back and talk to the lawyers. They're angry. We need the lawyers in this province to participate in the legal aid system. Legal aid services are important. They become the foundation for our criminal justice system for many people in this province. Without it, the criminal justice system is not going to work. This bill basically is a result of the crisis management you're bringing to the management of the criminal justice system. You purport

to be good managers, but in area after area within your jurisdiction of government the systems are falling apart. The criminal justice system is one example of that. It's not working.

The judges, who are non-partisan, who are basically neutral participants in the criminal justice system, are making this known very clearly, as we pick up in our daily papers, as judges order the government to pay more to legal aid lawyers after they make the case that they require more resources to fully defend the clients they have been assigned. For the criminal justice system to work, all those who find themselves in the system deserve and require proper representation. To get proper representation we have to make sure that a good cross-section of the lawyers in all regions of this province participate in the criminal justice system as part of their practice.

What I like about the system we have now is that we get that good cross-section. If we go to the public defender system what we are going to get is an inexperienced group of lawyers starting out, as their first jobs, trying to do a defender job without court experience, straight out of law school and their bar exams.

We need experienced people in the courtroom to expedite these cases so that the system runs smoothly, so that we use our court spaces in a timely way, so that we use our judges' time in a timely way and not tie up court time and justices, especially in places like northern Ontario, which I represent, where we have judges who have to travel from different venues. Their time is very precious and we have to make sure we don't waste any of the resources in the criminal justice system. To do that, we have to make sure the whole system has the proper resources so that we run it effectively and efficiently, in a way that justice is served for the people of Ontario.

The Acting Speaker: Comments and questions?

Mr Kormos: In a few minutes' time, the member for Hamilton West is going to be speaking to this bill. The Attorney General is here. After I speak for about two minutes in response, he's going to have a chance to stand up. Attorney General, please, I said nice things about you tonight. Whether I meant them or not is irrelevant; the fact is, I put them on the record. I compared you in positive terms to your two predecessors. Now, whether you take that as a compliment or not is up to you.

2050

I say to the Attorney General, send this bill to committee hearings. We're prepared to have the committee hearings while the House is sitting. We're not trying to engage in some dilatory action. If it does all the things you say it does, surely it can withstand the scrutiny of public hearings. What are you afraid of? What is so scary to you about public hearings, that prevents you from standing up right here and now? We can leave early tonight.

We can be out of here at 9:15 if you'll only stand up and say there will be a good 12 days of committee hearings so the people in this province can make their comments, can make their contribution, so that your bill

can stand, if it can, the test of criticism. What are you afraid of? Why are you not proud enough of this legislation to put it to the scrutiny of a committee? Your party has the majority on the committee. We can't defeat the bill at committee. Do you understand that? You hold all the power in committee. Put it to committee. Say so now.

Hon Mr Young: I appreciate having an opportunity to speak to this matter and to address the comments of the member opposite. I listened intently to the Liberal—he is a Liberal now.

Interjection.

Hon Mr Young: I did indeed, to the Liberal member opposite. I tried as hard as I could to determine what the Liberal policy was on this very important issue. Right now, across the province in various places we have individuals, men, women, children, some of the most vulnerable people in society who don't have access to legal representation.

I was trying to understand what it is the Liberals suggest. I know that by and large they are of the view that the answer is always more money. The member opposite will have an opportunity to address this in just a second; he's shaking his head affirmatively, so I think I'm on the right track here. I think it is fair to synthesize his speech and say that the Liberals want to give legal aid lawyers a lot more money and want to give it to them now.

As a member of the government, as an individual who each day has to decide whether or not we are going to spend money on health care, more MRIs as an example, or on education—I know the Minister of Education, who is sitting right in front of me, is very proud of the fact that we have increased public education spending in this province by in excess of \$550 million this year. The number is staggering even for me.

The Liberal members, though, have a different use for that money. They want to take that money and give it to legal aid lawyers, holus-bolus, just like that. There is only one place to get that money from and that's the taxpayers of this province. You have to consider their interest, their eagerness to give lawyers more money at this juncture in the context of the fact that we already did give legal aid lawyers an increase, and we have undertaken to give a further increase. I am prepared to live up to that undertaking.

Mr Duncan: I am pleased to respond to my colleague the member for Timiskaming-Cochrane on his outstanding statement today in the House on this issue and to say we will vote against your bill. The Liberals are very clear about that. The thing that strikes me—I want to respond to some extent to the response, because the Attorney General talked about what the Liberals would spend this money on, that they want to spend it on legal aid lawyers. What this bill permits—just so the public understands—the government will be able to go and contract out for support staff and they'd have the right to contract out legal aid services to law firms or groups of lawyers. That smells to me like one of the biggest—

Interjection.

Mr Duncan: Yes, like the federal Liberals on federal drug prosecutions, and that should be changed. We shouldn't be copying it. The Attorney General has problems with that, and now he's going down the road where he's going to make patronage the central theme of the public defender's office.

This isn't about better protection for people who are charged under the law; this is about a government intent on creating the biggest patronage boondoggle this province has ever seen. If the Attorney General feels so strongly that he's not going to do that, I challenge you: send the bill to committee, number one; number two, bring forward an amendment to the bill that will make sure this work is publicly tendered—not done by order in council.

If that is what your position is and if you truly do not want to make the mistake that successive federal governments have made—Liberal and Conservative government governments I might add—and if you truly want to have a system of public defenders—by the way, we think legal aid will work well if it's properly funded—if that's what you want to do, then don't allow for the patronage boondoggle.

Mr Christopherson: I appreciate the opportunity also to comment on the remarks by the member for Timiskaming-Cochrane. It's interesting that the Attorney General himself popped up on the issue of how much money they're being paid. Members of his own caucus have been saying that the figure of, I believe, \$88 ought to be fine and that's the end of it. And they have the nerve to base it on the fact that they think \$88 an hour is a lot of money, end of discussion, and that's it. Whether I do or don't really isn't the issue. The issue—

Interjection.

Mr Christopherson: Listen for one moment. Try it.

The point is that in comparison to other lawyers there are certificates that are not being picked up by lawyers. There are people walking around looking for their legal rights, their constitutional rights. You are the government that believes also in law and order, aren't you, like we all do? If that's the case, then I think you would want the Constitution upheld. The Constitution and the Charter of Rights give people certain rights in court, but they're also entitled to have a lawyer. But because the fee is so low, even though they've got a certificate, it's not being picked up. There are people going in front of judges who do not have legal representation. That sounds more like the Third World than one of the wealthiest, most modern states in the world. But that's the reality.

You know, it's interesting. Everybody makes too much for this government—everybody, whoever it is. Nurses, teachers, in this case it's going to be lawyers, everybody makes too much money except them with their pay. I don't hear anybody standing up and saying \$105,000 is too much to pay for the next MPPs in the next Parliament. Yet we've decided, most of us, that's a fair wage. How do you square that circle?

The Acting Speaker: The member for Timiskaming-Cochrane has two minutes to respond.

Mr Ramsay: I appreciate entering into debate with the Attorney General on this because, yes, I was quite straightforward to say more resources, ie, more money, are needed in the system. That would be the difference between you and I in this debate. I believe we need good public services, that we need more money to be invested.

You've built yourself into a little box, because you're giving out \$2.2 billion in tax cuts to the corporations, which we would not do. You're giving out \$500 million in private school tax credits, which we would not do. So we start off with a base of \$2.7 billion that you wouldn't have that we want to invest in public services. That money would be recouped and put into public services, invested in those services. That is the difference. We think that health care needs that and the legal system needs that, our highways need that and our natural resources need that. That's where we would be investing this money.

You've heard some of the ideas we've talked about as we work our way toward the campaign and, yes, it's going to take more money. We've told you where it's going to come from. We are going to withdraw some of those tax cuts that you have brought forward to corporations and the private school tax credit. That's what we're going to do. They need to be invested to help our most vulnerable people, and this area in the criminal justice system is one of those areas where that investment has to be made.

That is the difference, and I suppose what the next election is going to be about is offering people choices. People can decide whether they want your system or our system, and there will be a difference and we'll let the people decide. I think people, after probably eight years, when we do finally get to this event next spring, are going to make that decision and see the difference. When they ask themselves if they are better off today than they were eight years ago, I think unanimously they're going to decide no, they're not, and that we need to invest in a good public sector in this province.

The Acting Speaker: Further debate.

Mr Christopherson: I appreciate the opportunity to join in the debate. The first thing I want to do is again very briefly return—unless they get things all riled up again, and then I'll stay on it for a long time. But I do want to briefly return to the Victims' Bill of Rights, because again, anything to deal with the legal system, let's put it in the context of this government's track record and their attitude toward law-making, which of course is what we ultimately are supposed to do here.

Superior Court Justice Gerald Day said, "I conclude that the Legislature did not intend for the Victims' Bill of Rights to provide rights to the victims of crime. The act is a statement of principle and social policy, beguilingly clothed in the language of legislation. It does not establish any statutory rights for the victims of crime." Lest there be any doubt, because the definition perhaps goes to areas I can't, "beguile: charm, amuse ... divert attention pleasantly from ... delude, cheat," and ultimately, "to deceive." That's what the judge said about your Victims' Bill of Rights law.

2100

It's amazing any of you would dare to try to brag about anything to do with the law. So many of you talk about the obligation Ontarians have to respect the law, especially anybody who is receiving any kind of government benefit of any sort, that the first thing you expect citizens, from your high perch, is respect for the law. Look what you did to the law. You used victims of crime, innocent victims, to do this. I and my colleague from Niagara Centre and our entire NDP caucus will take every opportunity to raise this and re-raise it, because people have a right to know what's really going on when you introduce your law and order legislation.

With regard directly to Bill 181, the explanatory note is short, but I think makes the case for why we're pursuing public hearings. As our House leader has pointed out, we're not trying to be obstructionist about this.

The explanatory note says two points:

"1. Contracting out is added to the range of methods by which Legal Aid Ontario is authorized to provide legal aid services (clause 14(1)(a.1)).

"2. The Lieutenant Governor in Council is authorized to make regulations governing Legal Aid Ontario's methods of providing legal aid services, including requiring legal aid to hire staff or to develop and report on plans for contracting out legal aid services, expanding the functions of family and criminal law duty counsel and governing Legal Aid Ontario's allocation of resources among methods of providing legal aid services (subsections 97(2.1) and (2.2))."

I would suspect that even those who are qualified lawyers may not necessarily be experts specializing in this field. For everybody else, particularly the people we serve, the citizens of Ontario, they need this broken down and we need to have a discussion.

I am just shocked that we haven't had the Attorney General or the House leader or somebody on that side of the House stand up and commit to public hearings. Surely you aren't going to change something as fundamental to democracy as the process by which the ordinary citizen attains legal counsel, in the event they can't afford to hire their immediate lawyer of choice, without letting the experts comment on it. I would hope the media would start to look a little more closely at the number of bills that aren't going to committee that should, and ask the question, "Why not?"

Good law-making would suggest that you would want the best advice you can get, that you would want expert advice, people who are in the field. Yes, you will have individuals come forward who will talk about their horror stories, but what you will also get, more importantly, is the experience and knowledge of an incredible, broad section of legal experts in our province who will come in for free and give the people of Ontario, through our committee hearings and ultimately through their elected representatives, an opportunity to understand exactly what all this means in a real, practical sense, and to formulate their own opinion on whether or not they think it's good deal.

As it stands right now, if this is rammed through the way it is, people have one of two choices. They either believe you or believe us. Given the day-to-day nature of this place, that really isn't any great revelation. When you're a member of a majority government or over here, as members of the official loyal opposition—I guess that would be you guys.

Mr Duncan: That's us.

Mr Christopherson: But we'd still be loyal.

Mr Duncan: But not official.

Mr Christopherson: But not official. Well, not on the loyal part. We're still officially loyal. Anyway, you know what I mean.

However, to come back to the bill, to talk about something this complex and merely have a choice—we listen to the government rhetoric and buy it or the opposition members' rhetoric and buy it—really isn't going to enlighten the average Ontarian too much. There are probably a few people who would be watching, because they have an interest or belong to an organization, who know exactly what all this means and, more importantly, what the implications are.

Often it's unintended consequences that end up being the biggest issue, because everything else you've thought through. Of course, the whole nature of unintended consequences is that they were unintended. It's amazing the things you learn and how much better a piece of legislation we get at the end of the day when we go through a public hearings process, particularly when it's a complex legal issue. I honestly believe you're going to find it very difficult to defend not giving this some public airing to allow some experts to come in and give their opinion.

At the end of the day, it's probably worth hundreds of thousands of dollars of free expert legal advice, not that we would benefit from it solely, but the people of Ontario would benefit. Those hearings are in public. The Hansard is available. People can go and watch them themselves. They're reported in the local regional media wherever the meeting is being held across the province. And I'm not even getting to the point where the average Ontario citizen is entitled to have their say about laws that affect them and their lives. Without even going there, just the common sense argument that where you're restructuring legal services and changing processes and institutions, and where we know there are some concerns out there—we are hearing them. Members on the opposition benches have been raising what some individuals in the legal community already have been saying and the concerns they've been raising.

Again, it's not one of those bills where everybody sort of agrees that it's pretty much motherhood or it's housekeeping and doesn't really deserve or need too much attention from this place. It's quite the opposite.

So I suspect that at the end of the day, given the dynamic around trying to defend not having public hearings, you're going to have to succumb to the pressure, and if that's the case, if that's the end-game anyway, I come back to my earlier point: I don't know

why on earth one of the members of cabinet or the whip or the government House leader isn't popping up on their feet and saying, "We will have public hearings and we'll work out the details at a House leaders' meeting."

Mr Duncan: Makes sense to me.

Mr Christopherson: That is the way it works.

There are still 20 minutes and it would do an awful lot for the Attorney General or someone he may designate to stand up and say, "Yes, there will at least be some opportunity." Not to is to leave yourself wide open to the argument that you really don't give a damn.

The criticisms are not just from the legal community outside, although it would make sense that's where some of them would come from, because indeed those are where the experts are, out in the field, the people who deal with this and it's their job. But tonight, within the last couple of hours, one of your own esteemed colleagues the member for London West, on a two-minute response to another member's speech, raised a number of concerns that we've been raising on this side. To be fair to the member for London West, we on this side of the House consider him to be—you know, he was first in line for the Kool-Aid and went back for a double hit. He's a believer, a capital B believer. I hear my friend chuckling in agreement, the member from Ancaster-Dundas-Flamborough-Aldershot, who is also concerned about whether or not we are going to get public hearings on this bill. I believe he was in the House when the comments were made. If not, he was certainly in his office.

2110

So when one of your own, one of your stalwarts stands up and raises—by the way, I also want to join my colleagues and others who have said that it takes a lot of guts to do that. Sometimes it's done for political reasons, be they right or wrong. The individual member can decide. Many of us have been offside with our own caucus for one reason or another at different times. But I have to believe that the only reason that member, knowing him the way I do, would stand up and raise concerns is because they were heartfelt. Oh, and did I remind the government members that he is a lawyer too and that every point he raised was from a legal basis? So lest I forget, with all of that, including the concerns raised by the member of the government caucus for London West, who is a lawyer, it seems to me that you would be very well advised, both politically and from a good law-making point of view, to hold public hearings and give those in the know a chance to let us profit from that knowledge in terms of the law that ultimately comes out of this place.

What exactly did the member from London West say? Well, in his usual reserved fashion—and I say that straight up. He's not like some of us who tend to get a little louder than others. He's usually very methodical and very concise, makes his point and then moves on. So this is not railing. He didn't turn on his own government, but he did stand up and raise a couple of concerns. I want to read what he said. This is the instant Hansard from his comments just a couple of hours ago, here in this place.

One of the things he said was, "There would appear to be the danger of a conflict of interest when the funder—that is, Legal Aid Ontario—also becomes the service provider. Obviously, there's going to be a great temptation on the part of the funder to bias the funding formula toward their own service, and I think that's a problem that is there and it is one that has to be addressed."

Interjection.

Mr Christopherson: I don't know why the Attorney General wants to heckle my reading of his own member's remarks. What would the Attorney General like to say? Why is the Attorney General heckling me on comments his member made? He's right there.

You can stand up in a two-minute response, Minister, and you can make the comment then. It's rude to your own member to interrupt his remarks. I listened.

Hon Mr Young: You never have—

Mr Christopherson: Yes, I do. Usually the Speaker rules me out of order a lot sooner, and I'm waiting.

Now, "I'd also note"—this is the member for London West—"that under the public defender system"—oh, pardon me. He made a point earlier than that that I want to get on the record.

"There's also the question of accountability of counsel to the client. Under the certificate system"—that's what we have now—"if a client is dissatisfied they can take action and change counsel and they can do that also by choosing counsel. Where you have a public defender system, the accountability of the counsel to the client is significantly reduced."

This was not done in a vitriolic fashion. I say through you respectfully to the member for London West, if it were me, you know it would have taken five or six paragraphs and it would have had a lot of other—"embellishments" is probably a bit much, but certainly a lot of adornments to make the impact. Because I'm an opposition member, that's what I'm supposed to do. But the honourable member stood up and very succinctly, and I would say very respectfully, pointed out a concern that he has, as a lawyer and a member of this Legislature, with the fundamental structure that's being offered. Might I just say that my colleague from Niagara Centre said that it was probably the most honourable thing that any member of the government caucus would do this evening. I suspect, given all that's involved in doing something like that, it's probably the most honourable thing any member will do in here this evening, given the way that it was done.

The member for London West also went on to say, "I'd also note that under the public defender system, where the lawyer is in effect directly employed by the government, it's likely that policy will be set by the government, and I think one has to look at the implications of that with respect to the independence of the defence bar."

He also went on to say, "We also have to face the fact that there is a problem now with the amount of funding that is given to defence counsel, and that's established by the court cases. I think to ignore that problem is not to be realistic."

That is just about as fine an example as we've seen, in the over 12 years that I have spent here, of a government backbencher standing up, going against his own government, not doing it for local political reasons, but merely because they philosophically and legitimately and conscientiously have, if not a difference of opinion, a number of concerns that they want to hear addressed. You've got to respect that kind of approach. I think at the end of the day it adds an enormous amount of weight to the argument that there ought to be at least some public hearings.

The last thing I would say in closing is coming back to the \$88 an hour. The member for London West just made reference to "established by the court cases," and I'm assuming—and if I'm wrong, he's here and I'll watch for him to indicate that I am misinterpreting his comment, but I'm assuming that what he's referring to is a couple of cases where judges have ruled that lawyers will be retained, they will be paid I think about \$140 an hour and that the bill is going to the Attorney General's ministry based on that judge's belief that the individual was not going to get adequate legal representation, their rights under our charter, unless he or she took that action.

That's pretty dramatic for a judge from the bench to make a ruling like that, a ruling that not only set the fee but also sent the bill to the Attorney General. I think you've got to keep in mind that when we did the public consultation for the budget, and I see a couple of colleagues on the government benches who were on that tour also, I believe—I stand corrected if there was one missed—but I believe in every community where we held public hearings, there was a delegation from legal aid lawyers making the case that leaving the rate where it was was leaving Ontarians, guilty or innocent—because in this system you're innocent until proven guilty—without the legal representation they're entitled to. It's one of the cornerstones of our justice system, imperfect as it is—one of the best in the world. All of this is to say to the government, at least a little bit of public hearings to debate these things through—

The Acting Speaker: The member's time has expired. Comments and questions.

Mr AL McDonald (Nipissing): I'm happy to join in the debate tonight regarding the bill put forward by the Attorney General. In speaking with him, his concern was that children are the most innocent victims of crime and he's trying to put a bill forward to help the most vulnerable in our province. I listened to the member for Niagara Centre stand up on his soapbox with his cowboy boots, a lawyer by trade, and speak against this.

This bill is for the people of Ontario who need protection. I think the Attorney General has done a good job with this bill. We understand the dynamics of government, where the official opposition and the third party will want to speak against it and send it to committee to put their little spin on it, but in the end, are we not here to protect the most vulnerable in Ontario? In a lot of cases, those are children.

Victims don't choose to be victims. It's a fate put on them by criminals. I believe, from talking to the Attorney

General and from hearing the passion he has in this bill, that this is the right thing to do, the right thing to support. I urge the members opposite to support this.

2120

Mr Michael Gravelle (Thunder Bay-Superior North): I think everybody in the Legislature, all parties, agree that the provision of legal aid services is extraordinarily important, and it has been very useful that the Attorney General has been in the House for this debate.

What is at dispute is: is this legislation going to improve the legal aid system? That's very much in question. What's also in question is: what was the purpose behind the ministry introducing this legislation? Is it a bargaining chip for his battle with the lawyers that is going on right now?

Regardless, I think we've heard enough tonight. We heard from the member from Hamilton West who, as usual, was articulate in his case that we should have public hearings.

The argument really is: is this a piece of legislation that will actually improve the legal aid system? What's very clear is that it was sprung on us and on the legal aid lawyers in the system. The fact is that it requires, at the very minimum, some public hearings, some committee hearings. It seems startling to me that we can't actually be sitting here talking about the fact that we're going to places like Thunder Bay—I would certainly like to invite the Attorney General to have hearings in Thunder Bay—Sudbury, Toronto, all over the province, because this is a piece of legislation that deserves to be looked at more carefully.

The whole issue of the public defender system: is that a system that will work? Is it one where we're going to be able to offer people better services, or is it going to be more of a factory system whereby people simply get whisked through the system?

We need to discuss those things. We need to take advantage of the opportunity we have, as my colleague from Hamilton West said, to have for free some pretty high-paid advice in our public hearings process, because that's the kind of advice we need.

It has been said many times by the member for London West, and a member of the Tory caucus certainly made his concerns very clear, clearly and very calmly expressed. I would trust the Attorney General was listening to those remarks, and on that basis as well as all the concerns being expressed, would make sure we do have public consultation on this important legislation.

Mr Steve Gilchrist (Scarborough East): I'm pleased to respond to the comments from our friend from Hamilton. I've got to tell you, it has been an extraordinary night, listening to the NDP stand up and suggest how underpaid lawyers are in Ontario, suggesting that the main problem is the pay rate, suggesting the issue has nothing to do with the fact that a select group of lawyers accessing legal aid have actually been using the victims themselves, or the clients themselves, as hostages, as blackmail.

The bottom line here is that Ontario already pays more to its legal aid lawyers, by a margin of almost 30%, than

the next closest province, and vastly more than the average. I haven't heard the member suggest that the NDP province in this country is somehow afflicting its citizenry by having a vastly lower-paying legal aid system.

The suggestion here is that there's a relationship between the quality of legal service and the amount of money that's paid, failing to recognize that lawyers are a monopoly, that legal aid was seen to be an adjunct to the pro bono work, which lawyers would provide as part of that monopoly system, the right they had been given to the exclusive practice of law. This is not the be-all and end-all of their income. This was supposed to be the tail end. This was supposed to be the augmentation and a bit of a thank you for taking on pro bono work to help those who cannot support the full fees normally charged by lawyers.

It is extraordinary that you're standing in your place today and decrying our bill on the basis of the fact that you think a better solution is to pay more money to lawyers, lawyers that at today's rate, if they worked full time, 2,000 hours a year, would make \$196,000, including the 10% overbilling, and they want to make \$308,000. Those are the people you're defending. Legal aid isn't about supporting lawyers; it's about supporting the people, the citizenry and the victims in the province of Ontario.

Mr Duncan: I'm pleased to respond to the member for Hamilton West. As is always the case, the government has taken numbers and completely distorted them on this issue.

First of all, what this bill does—and the member there never suggested for a moment that any lawyer should be paid \$308,000 and I would challenge any member over there to find a lawyer who makes his or her entire living off legal aid. That is a straw argument that has no bearing on reality. I say to the Attorney General and to the member for Scarborough East, if they want to discuss this bill seriously—and to the member for Nipissing—we have to make sure that the vulnerable have access to legal services. Our contention is this bill will not provide that.

Our contention is that this bill will provide the biggest patronage boondoggle to Tory lawyers we have ever seen. If you want to debate it, Mr Attorney General—he's shaking his head, going no, no, no, no—take it to committee.

Hon Mr Young: You're making it up as you go along.

Mr Duncan: No, it's in your bill. Do you want me to read you the part? Contracting out these services is in the Attorney General's bill. He should know this.

So Attorney General, you scuttled the deal we had among House leaders. We had agreed to province-wide hearings. We had agreed to have them in the north, in the southwest, in Toronto and Ottawa. Have hearings. Come

and put your case. Come and bring forward the lawyers who are going to make \$308,000 a year. Interestingly, by the way, those numbers don't correspond with the law society's. So let's do that and go out and talk about the bill.

The government House leader had agreed to it, the third party had agreed to it, we had agreed to it. This bill merits that kind of consideration. I believe the government's intent to provide more legal services for those who need them. I trust you on that issue. The problem is, there are different ways of getting at it. We should have that opportunity—

The Acting Speaker: The member's time has expired. The member for Hamilton West has two minutes to respond.

Mr Christopherson: I want to thank my colleagues from Nipissing, Thunder Bay-Superior North, Scarborough East and Windsor-St Clair for taking the time to respond.

First of all, to my friend from Nipissing, I'm not 100% sure he was commenting on my remarks. He certainly was reflecting a bit on what my colleague from Niagara Centre had to say. But it's interesting, in denouncing either him or both of us, he didn't address the issues that his own colleague from London West raised. Not one of you has even in a heckle suggested that somehow this person has lost their mind or suddenly they're no longer a Tory or they're not a member of the team. Nobody is saying any of that, for a very good reason. We believe that he has sincerely raised these issues, and I defy anybody to read his comments and determine otherwise. This is someone who likes to co-operate. He's a team player. This is not a good way to get into cabinet: to stand up and oppose a bill of the Attorney General. But he's raised some concerns, and that's all he's done.

Quite frankly, to my colleague from Scarborough East, I say first of all, when he talks about how we feel about this and what we're going to do here in the opposition, I've got to tell you, I, as a member of this Legislature, would like to see some hearings and either be there or read the Hansards, because I'm not a lawyer. If there's going to be an improvement, then I think not only is it the right thing to do as a parliamentarian, I think it's good politics to stand up now and then and say, "You're doing the right thing, government; we're going to support you on it." But I'd like to know a little more than what's here.

In the seconds I have in closing, let me just say this. This bill again affects the most vulnerable. Do you think there's anybody in this province who actually believes that's your number one concern? Give me a break.

The Acting Speaker: So be it. It being after 9:30, this House stands adjourned until 1:30 of the clock tomorrow.

The House adjourned at 2130.

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Cambridge	Martiniuk, Gerry (PC)	Kingston Centre / -Centre	Wetlaufer, Wayne (PC)
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener Centre / -Centre	Witmer, Hon / L'hon Elizabeth (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Davenport	Ruprecht, Tony (L)	Kitchener-Waterloo	Beaubien, Marcel (PC)
Don Valley East / -Est	Caplan, David (L)	Lambton-Kent-Middlesex	Sterling, Hon / L'hon Norman W. (PC) Minister of Transportation / ministre des Transports
Don Valley West / -Ouest	Turnbull, Hon / L'hon David (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Lanark-Carleton	Runciman, Hon / L'hon Robert W. (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
Dufferin-Peel- Wellington-Grey	Eves, Hon / L'hon Ernie (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Leeds-Grenville	Cunningham, Hon / L'hon Dianne (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Durham	O'Toole, John R. (PC)	London North Centre / London-Centre-Nord	Wood, Bob (PC)
Eglinton-Lawrence	Colle, Mike (L)	London West / -Ouest	Mazzilli, Frank (PC)
Elgin-Middlesex-London	Peters, Steve (L)	London-Fanshawe	Tsubouchi, Hon / L'hon David H. (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Erie-Lincoln	Hudak, Hon / L'hon Tim (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Markham	Sampson, Rob (PC)
Essex	Crozier, Bruce (L)	Mississauga Centre / -Centre	
Etobicoke Centre / -Centre	Stockwell, Hon / L'hon Chris (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement		
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	Elliott, Hon / L'hon Brenda (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	DeFaria, Hon / L'hon Carl (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Energie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	Galt, Hon / L'hon Doug (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Tuesday 15 October 2002

SECOND READINGS

Legal Aid Services Amendment Act, 2002, Bill 181, *Mr Young*

Mr Kormos	2095, 2097, 2106, 2108, 2112
Mr Young	2096, 2101, 2112
Mr Marchese	2097, 2101
Mr Miller	2097
Mr O'Toole	2098, 2102
Mr Bartolucci	2101
Mrs Bountrogianni	2101, 2105
Mrs Dombrowsky	2102, 2106
Mr Christopherson	2105, 2108, 2113, 2117
Mr Wood	2105
Mrs Munro	2106, 2109
Mr Gilchrist	2108
Mr Cleary	2108
Mr Ramsay	2109, 2113
Mr Duncan	2113, 2117
Mr McDonald	2116
Mr Gravelle	2116
Mr Gilchrist	2116
Debate deemed adjourned	2117

TABLE DES MATIÈRES

Mardi 15 octobre 2002

DEUXIÈME LECTURE

Loi de 2002 modifiant la Loi sur les services d'aide juridique, projet de loi 181, *M. Young*

Débat présumé ajourné	2117
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Government
Publications



No. 43A

N° 43A

ISSN 1180-2987

**Legislative Assembly
of Ontario**

Third Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Wednesday 16 October 2002

Mercredi 16 octobre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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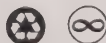
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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 16 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 16 octobre 2002

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

CROP INSURANCE

Mr Steve Peters (Elgin-Middlesex-London): I rise today to bring to the attention of this Legislature an issue of extreme importance and concern to the cash croppers of this province, in particular, the soybean growers of Ontario.

For three straight years, Ontario has seen adverse weather conditions for growing grains and oilseeds. This crop year, 2002, we have witnessed an extreme lack of rainfall, particularly in the southwest, the grain basket of this province.

Soybeans presently being harvested out of the fields are discoloured green. This is a result of the plant shutting itself down prematurely due to a lack of moisture, trapping the chlorophyll in the seed. This is a weather-related issue.

Crop insurance, administered by Agricorp, is supposed to be a safety net that insures yields due to weather-related factors. Farmers attempting to sell these beans are being discounted, though, up to \$80 a tonne, with no coverage or compensation. Agricorp is dancing on this issue. They are insisting the farmers sell these beans at exorbitant discounts. At an \$80-per-tonne penalty, the crushers are stealing these beans.

In its press release last week, Agricorp continues to use the doublespeak that they cover insured perils. They refuse to recognize that the supposed grade discount is not classified as an insurable peril.

I am calling on this government, and in particular the Minister of Agriculture, to recognize that this is solely due to adverse weather conditions. The minister must demand that Agricorp act in the best interests of the farmers of this province who in good faith paid their crop insurance premiums, believing they had coverage for adverse crop results due to weather.

CHILDREN'S AID SOCIETIES

Mr Toby Barrett (Haldimand-Norfolk-Brant): Every year children's aid societies in Ontario provide substitute care to 29,000 abused and/or neglected children. As well, over 7,000 foster families in Ontario

have stepped forward to provide care. Just last year, the Children's Aid Society of Haldimand-Norfolk served 1,900 families, while 138 children were in care. In Brant, 260 children were under CAS care in the year 2001.

Protection of children has long been a concern in my area, as with other members of this assembly. The Children's Aid Society of Haldimand-Norfolk is a product of the unification of both the Norfolk CAS and the Haldimand county CAS, drawing on a proud history dating back over 100 years. The Children's Aid Society of Brant celebrated its 109th year of operation recently, while the native services branch of the children's aid society was established in 1977 to serve both the Six Nations and the New Credit communities.

October has been designated as Child Abuse and Neglect Prevention Month, and Canadian Foster Family Week begins on the 20th. At this time, it would serve us well to look to the motto of this year's 10th annual campaign, "It Shouldn't Hurt to be a Child." I ask all in the Legislature here and across the province to recognize the selfless efforts of our children's aid societies.

MACULAR DEGENERATION

Mr John Gerretsen (Kingston and the Islands): "Drug fights blindness but Ontario won't pay." So screamed the headline of the Kingston Whig-Standard this past Saturday.

Last May, health minister Tony Clement announced that the government would fund a new treatment for macular degeneration called Visudyne. Visudyne is very costly. It costs \$3,000 per treatment, but most people need about five treatments, so the cost is closer to \$15,000.

What the minister failed to mention in his announcement was that a new Visudyne policy included strict eligibility criteria that effectively exclude 80% to 90% of the patients who were candidates for treatment. As Gordon Currie found out: "It sounded so good on TV when Clement came out and said the government was going to cover it. It made them look pretty good—and it's a lie." That's a quote.

Sally Barnes, a former Harris Conservative candidate who's 88-year-old mother has received three treatments, at a cost of \$9,000 to her, stated: "If you're going blind and you don't have the money, you're screwed."

Dr Alan Cruess, a leading Kingston ophthalmologist actively involved in vision and seniors' organizations,

says, "It's a real two-tier question. There's a group of people who are falling through the cracks absolutely."

Sally Barnes summed it up when she said, "I don't go out of my way to embarrass the government, but the Visudyne policy is morally and politically stupid."

This is no way to treat our elderly, who are mainly struck with this condition. Minister, do the right thing and cover the treatment for all who need it. Surely it's inexcusable for people to lose their vision because of your inadequate health care provisions.

KYOTO PROTOCOL

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I'm happy to report to this Legislature and Ontarians watching at home that the facts are finally emerging about Kyoto. According to the federal government's own estimates released last week on their Web site, www.climatechange.gc.ca, the Liberals have finally admitted that Kyoto will hurt Ontario families and kill jobs.

How many jobs, you ask? Well, according to the federal government's Web site, we will have between 61,000 and 244,000 fewer jobs because of Kyoto. Let there be no doubt, Kyoto is a flawed accord. In addition to killing nearly a quarter of a million jobs, the federal government admitted that the Kyoto Protocol will cause our economy to shrink between 0.4% and 0.7%.

As if killing jobs and shrinking the economy was not enough, last week we were told that hard-working families will have to bear the burden of Kyoto through increased home heating bills. The government also acknowledged on their Web site that every household in Canada will have to pay between \$1,300 and \$1,700 in taxes each and every year to cover the cost of implementing Kyoto.

The true impact of Kyoto is difficult and nearly impossible to accurately measure. This is compounded by a federal government that has shown itself incapable of accurately projecting program costs.

I urge our members on both sides of this House to review the facts on Kyoto and join with me in working toward a made-in-Canada solution which will keep our taxes low and our jobs right here in Ontario.

HIGHWAY IMPROVEMENT

Mr Michael Gravelle (Thunder Bay-Superior North): It is one of the great frustrations of all northwestern Ontario residents that the Harris-Eves government shows such a lack of support for desperately needed highway improvements in our part of the province.

Despite a huge increase in traffic volume, much of it commercial, and increased road closures that halt all traffic going across the country, we have seen no commitment to moving forward on the four-laning of Highway 11/17 between Thunder Bay and Nipigon.

In the past week, we've experienced a number of serious accidents on that stretch of road, one that resulted in a fatality. I echo the comments of many of my con-

stituents when I wonder aloud how many tragedies it will take before the government recognizes the need to move ahead with this vital project.

What we do know is that the government continues to shortchange northwestern Ontario when funding allocations are announced each year. We simply do not get our fair share of the capital funds for highway improvement that should be coming our way. As a result, even vital rehabilitation projects like the upgrading of Highway 584 between Geraldton and Nakina, as well as crucially needed passing lanes, are being put on the back burner.

I say to the Premier, who publicly spoke about the importance of four-laning during his most recent visit to Thunder Bay, and to the Minister of Northern Development and Mines, who we expect to advocate on our behalf, that our needs cannot continue to be ignored. By providing a fair share of the highways budget to our region we can move forward on the four-laning, as well as our other vital needs. People in northwestern Ontario deserve a safe, first-class highway system, and it's a legitimately achievable goal if the province provides us with our fair share of funds. We will not give up as we deserve nothing less than that.

1340

HOSPITAL FUNDING

Ms Shelley Martel (Nickel Belt): The government's recent decision to fully fund the operating deficit of the Sensenbrenner Hospital in Kapuskasing is one that now must clearly apply to all other Ontario hospitals with operating deficits.

This includes the operating deficit of the Sudbury Regional Hospital. Our hospital has recently undergone an operating and capital review, and the report of the steering committee is now in the hands of the government. It's important to note that the hospital board itself requested the operating review many months ago.

Our operating deficit is significant, and has been for some time, because we are not funded as we need to be to offer important health care services to residents from Sudbury and across northeastern Ontario. The government must accept this fact and commit to increasing the operating budget of the Sudbury Regional Hospital from now on, but the government also has a clear obligation to pay off the current operating deficit, just as the government has done in Kapuskasing.

Further, this obligation extends beyond northern hospitals because the money used to assist Sensenbrenner comes from the Ministry of Health. This means that the 119 other Ontario hospitals that currently have operating deficits must have these covered too. The Ontario Hospital Association says that the current deficits of these hospitals is in the order of \$500 million. They are waiting for relief too.

Given that the government made its announcement in Kapuskasing in mid-September, other Ontario hospitals

should demand the Ministry of Health come to their aid now. There is no excuse for the ministry not to.

CLEAN WATER PROJECT

Mr Bob Wood (London West): I rise today to tell the members of the House about the Clean Water Project tour in which I recently participated. It was sponsored by the Upper Thames River Conservation Authority.

The Clean Water Project offers technical and financial assistance to improve and protect water quality on farms and other rural lands throughout Middlesex, Oxford and Perth counties, the cities of London and Stratford, and the town of St Marys. These local municipalities, in partnership with the Ontario Ministry of Agriculture and Food's healthy futures for Ontario agriculture program, are offering cost-sharing grants to qualified landowners for best management practices that improve ground and surface water quality. Financial assistance ranges from 50% to 70% depending on the project.

Farmers must have an approved environmental farm plan in place in order to receive Clean Water Project funding. The farm plan helps landowners to assess their farms' environmental strengths, identify areas of environmental concern and set realistic goals to improve conditions.

Since the Clean Water Project's launch in September 2001, over 400 projects have been approved. The project has so far been funded to 2004. The Clean Water Project's investment of \$1.4 million has generated \$3.25 million worth of work in the local farming community. Applications have been received for each project area, but the greatest interest has been in manure spreading equipment modification, septic system upgrades, fragile land retirement—tree planting—and clean water diversions. The healthy futures program is on track to achieve the 10-year goal set out in their healthy future's submission.

I know all members will join with me in congratulating the authority, its steering committee and the administrative staff of the Clean Water Project for a job being done well.

DOCTOR SHORTAGE

Mrs Marie Bountrogianni (Hamilton Mountain): Medical students from across the province came to Queen's Park last week with a strong message: Ontario needs 1,600 more physicians and yet this government is making it very difficult for students, particularly those from low and middle incomes, to attend medical school.

This is especially true for students from rural areas. Let me tell you about Anne Conlin. She is from the town of Ailsa Craig. There are no doctors in Anne's town. Her family is not wealthy. Anne worked two full-time jobs to pay for her undergraduate tuition. At the same time, she achieved the competitive marks to get into medical school. She was prepared to pay for her medical tuition until the Harris and Eves government came to power and

deregulated tuition. It went up 175%. It is now \$15,000 a year, and that's just tuition; room and board, of course, are extra. Anne and other medical students now have excessive bank loans.

Other potential medical students in Anne's town ignored medical school altogether because of these high costs and went into other fields—a town that has no doctors. OSAP only allows for \$4,500 a year for tuition even though tuition is now up to \$15,000.

As well, medical students wanted me to correct a misperception about free tuition announced in this government's budget. There is no free tuition for medical students agreeing to practise in rural and other underserved areas. The government offers a fraction of the cost of becoming a doctor. We need 1,600 more doctors in the province, particularly in the rural areas. Instead of making it easier for students to go to medical school, this government is making it easy only for the rich to go to medical school.

Interjections.

The Deputy Speaker (Mr David Christopherson): We'll wait until the government House leader is done.

VISITORS

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): On a point of order: I would like everybody to welcome visitors from Gordon A. Brown school who are in the gallery today. One of our pages, Rachel Stark, is from that school.

EVENTS IN NIPISSING

Mr AL McDonald (Nipissing): Today I would like to bring to the attention of the Legislature a couple of events that took place in my riding of Nipissing this past Thanksgiving weekend. The Krause Equestrian Centre and Sweet Hope therapeutic riding program had their official grand opening this past weekend and were very well received by many people in Powassan, in particular the children.

The owners of this organization, Alvin and Ellen Krause, are truly amazing people. They mortgaged their farm to help children in need. This is truly a selfless act. I was very impressed with the services that were offered to children in need and would like to congratulate Alvin and Ellen Krause.

Also, the Jocko Point volunteer fire department had its open house this past Saturday and it proved to be a very worthwhile event. It completed Fire Prevention Week. Adults and children were invited to the fire station to meet the fire team, tour the facility, and watch films on fire safety.

This fire station has come a long way from when it first began. At one time all the firefighters had to work with was a portable pump and a trailer. They were outfitted with used coats, boots and helmets. A pumper was loaned to their department courtesy of the First Nation band in return for fire protection of the native home on

Jocko Point Road and Margaret Drive. Currently the department has its own tanker and pumper and is outfitted with new uniforms.

I'd like to say hello to all those who volunteer at the Jocko Point fire department. They are: Norm, Barry, Ken, Leo, Chris, Andy, Joan, Pudge, Tom, Noreen, Pat, Denise, Ed, Doug, Karen, Terry and Sharon. Well done.

The Deputy Speaker (Mr David Christopherson): Could I ask just the government benches, where there are a number of meetings going on with members standing, to please take your seat or take the discussion outside. It would be much appreciated.

At the Speaker's discretion, I'll recognize the member for Ottawa-Vanier for a statement.

VIOLENCE AGAINST WOMEN

VIOLENCE FAITE AUX FEMMES

Mrs Claudette Boyer (Ottawa-Vanier): Three weeks ago Stats Canada published recent statistics concerning violence toward women. In spite of the fact that the crime rate in general has decreased, the number of homicides committed on women by men has increased considerably, especially in Ontario.

Je trouve que c'est une tache à la réputation de l'Ontario.

Violence towards women is still a major concern of those who strive to assist them. While it is true that this government recently announced \$21.4 million in this respect, that money is earmarked mostly for cosmetic uses, such as building repairs, ramps and many other things, for the too few existing shelters.

Real service is required. Women who leave violent spouses suffer from a lack of specialized services: no affordable housing, difficulty in obtaining legal aid and ridiculously low social assistance. Consequently, they and their unfortunate children sink further and further into poverty and misery.

It is high time that this government takes appropriate measures in the prevention of violence towards women and gives real assistance to victims of violence by adopting the recommendations of the coroner's reports following the horrible and preventable deaths of Arlene May and Gillian Hadley.

1350

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Deputy Speaker (Mr David Christopherson): I beg to inform the House that today the Clerk received the sixth report of the standing committee on government agencies.

Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

INTRODUCTION OF BILLS

STALKERS REGISTRY ACT, 2002

LOI DE 2002 SUR LE REGISTRE DES HARCELEURS

Mr Bartolucci moved first reading of the following bill:

Bill 190, An Act to provide greater protection to victims of stalking by providing for a stalkers registry / *Projet de loi 190, Loi visant à mieux protéger les victimes de harcèlement en prévoyant un registre des harceleurs.*

The Deputy Speaker (Mr David Christopherson): Is it the pleasure of the House that the motion carry? Carried.

Mr Bartolucci for a short statement.

Mr Rick Bartolucci (Sudbury): This bill is modelled on Christopher's Law (Sex Offender Registry), 2000. It establishes a registry containing the names of persons who have been convicted of a stalking offence. Stalking offences are offences under section 264 of the Criminal Code of Canada, under criminal harassment; subsection 35(2) of the Children's Law Reform Act; and subsection 46(2) of the Family Law Act, which is contravening restraining orders.

This is a huge problem across the province. This bill will go a long way toward protecting those who are stalked.

VISITORS

Mr John O'Toole (Durham): On a point of order, Mr Speaker: With your indulgence, I'd like to introduce Stan and Bernice Baker, who are the parents of Philip, one of the pages here, and to share with the House the fact that their other three children, Jared, Seth and Ava, have all been pages at this House. I'd like to welcome them here today.

The Deputy Speaker (Mr David Christopherson): Welcome—and that's not a point of order.

HIGHWAY TRAFFIC AMENDMENT ACT (EMERGENCY VEHICLE SAFETY), 2002

LOI DE 2002 MODIFIANT LE CODE DE LA ROUTE (SÉCURITÉ DES VÉHICULES DE SECOURS)

Mr Runciman moved first reading of the following bill:

Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle / *Projet de loi 191, Loi modifiant le Code de la route afin de garantir la sécurité des véhicules de secours arrêtés sur une voie publique et celle des personnes qui se trouvent à l'extérieur de tels véhicules.*

The Deputy Speaker (Mr David Christopherson): Is it the pleasure of the House that the motion carry? Carried.

The minister for a short statement?

Hon Robert W. Runciman (Minister of Public Safety and Security): I'll defer until ministerial statements.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I believe I have consent to move that notwithstanding standing order 96(g), notice for ballot item 63 be waived.

The Deputy Speaker (Mr David Christopherson): Is there agreement? Agreed.

STATEMENTS BY THE MINISTRY AND RESPONSES

EMERGENCY VEHICLE SAFETY

Hon Robert W. Runciman (Minister of Public Safety and Security): Moments ago, I introduced the Highway Traffic Amendment Act, 2002, legislation that is designed to enhance the safety of emergency personnel and to modify driver behaviour. The legislation, if passed, will require drivers to reduce their speed and move over when approaching a stopped emergency or law enforcement vehicle with its red lights flashing.

Many of us don't recognize the high risk that front-line police officers and others can face during routine traffic stops. When an officer has pulled his or her cruiser off to the side of the highway to issue a speeding ticket or warning, to provide help or to investigate an accident, we don't necessarily think of this as a dangerous part of a police officer's job, but it is a deadly, dangerous part of the job.

In the past five years, four OPP officers have died in the line of duty because of collisions when their cruisers were stopped on the side of the road. Many others have narrowly missed being run down. In the United States, more than 200 police officers have lost their lives in a similar fashion. This is clearly a dangerous, high-risk part of a front-line officer's job, and the legislation tabled today is an initiative to lessen that risk.

Many of the people who actually take these risks, who put their lives on the line as part of their job, are with us today: front-line OPP officers from across the province, representatives of the Ontario Professional Fire Fighters Association and the Police Association of Ontario. Welcome all.

Applause.

Hon Mr Runciman: I think it's fair to say that the people who have to wear the shoes, the people who actually step out of a cruiser in close proximity to vehicles travelling at extremely high speeds, support this legislation. They want this legislation. They believe it will improve their on-the-job safety, and this government agrees. Similar legislation has been enacted in 16 US states and one province in Canada. The legislation tabled today, if passed, will see Ontario at the forefront of jurisdictions that make officer safety a priority.

In closing, I want to acknowledge the support and assistance of several people involved in the development of the legislation: Frank Mazzilli, MPP for London-Fanshawe, a former police officer whose private member's bill was the catalyst for this legislation; my predecessor the Honourable David Turnbull, who laid the groundwork for the legislation during his time as Solicitor General; and finally, Brian Adkin, president of the Ontario Provincial Police Association, for his persistence in fighting for what's right—the safety of the men and women he so ably represents.

In conclusion, Mr. Speaker, I know you and all members of this assembly recognize that we are living in a time when our police, firefighters and other professionals who routinely respond to emergency situations have taken on a new and profound significance. We all stand to benefit if they do their job efficiently and safely. Because of the very nature of what they do, they're often placed in harm's way, but there's no need to subject them to additional risk. They believe we can help their cause if this bill is passed. That's a view the Eves government shares, and I urge all members to support this legislation and ensure its speedy passage.

1400

Mr Michael Bryant (St Paul's): Dalton McGuinty and the Ontario Liberals obviously support this bill. It is, frankly, revolting to think that the men and women who at the very moment they are engaging in an act to protect us and enforce the law would find themselves imperilled, not by someone they have pulled over, but by our neighbours, by the people driving by them on the streets. Surely there's a duty upon all Ontarians to go out of their way to ensure that our police officers, who are engaging in an act to protect and to serve, are not in danger themselves, and so we will be supporting this bill.

We will also be fighting for, in this chamber and outside this chamber, the resources from this government to ensure that this bill is not a paper tiger, which I know the minister wishes it not to be, but rather that the resources are provided to enforce this very important new law.

I would be remiss if I did not say, in the time that I have remaining, that there are many other areas in which, unlike this bill, on the matter of crime and victims of crime, we have disagreements with this government. Right now across this province there are universities handing out amateur date rape drug tests. Date rape drugs are on the rise in this province. In some areas, one in four sexual assaults involves date rape drugs, and yet, unbelievably, you can go into a hospital to get a cholest-

terol test, but a victim of sexual assault cannot go into a hospital to get a date rape drug test.

We on this side of the House say that is wrong, and we believe in the right of Ontarians to have access to a date rape drug.

Identity theft: we say that the fastest growing crime in North America must not only see some consumer protections but must see protections for victims of crime, victims of identity theft, who find themselves needing assistance from their government to get their identity back. In the midst of this horrific crime, we want to help victims of identity theft, and we'll be fighting for that on this side of the House.

Lastly, if we are going to talk about crusaders for crime and the streets of Ontario, I would also be remiss if I did not share my time with a man who has introduced yet another "Bartolucci bill" today, a true crusader on the subject of crime and the streets, the MPP for Sudbury, Rick Bartolucci.

Mr Rick Bartolucci (Sudbury): Thank you very much, Michael, for letting me share some time with you. Listen, Minister of Public Safety, if you are really, really committed to ensuring that our police officers have as safe an environment to operate within as possible, I suggest to you that you pass Bill 119, An Act to amend the Highway Traffic Act in respect of studded tires, so that in the north our police officers don't have to investigate or worry about being involved in accidents on very, very slippery roads.

I suggest that you pass Bill 47, An Act to amend the Highway Traffic Act to increase the penalties for driving with a suspended licence. If you talk to these people in the gallery today, they'll tell you that that's a very real problem that your government has ignored. These are two private members' bills that I've introduced over the course of the last several years, and yet here is another one that I challenge you to pass: Bill 128, An Act to permit the naming of highway bridges and other structures on the King's Highway in memory of police officers who have died in the line of duty.

Today you make an announcement which Dalton McGuinty and the Ontario Liberals support. We—we here, we in the gallery, those you refer to—challenge you to pass these laws and other laws that we have introduced so that indeed Ontario will be a safer place and, as importantly, so that the police officers who are mandated to serve and protect have a safe environment in which to work.

Interjections.

The Deputy Speaker (Mr David Christopherson): Order. The government benches, I want to ask you to please bear in mind that you were shown a great deal of respect by the opposition when the minister spoke. Response from the third party, member for Niagara-Centre.

Mr Peter Kormos (Niagara Centre): This is the process wherein the minister and his two critics like three old greying dogs lifting shaky rear legs try to mark out their turf, one as being more law-and-order than the

other. We've seen that demonstrated, however fecklessly, and I'm not going to participate in that. I want to tell the minister and the government that New Democrats accept this legislation in principle, look forward to its prompt debate in the Legislature, are eager to participate in that debate, are eager to hear submissions in some brief but critical public hearings—

Mr Frank Mazzilli (London-Fanshawe): It's an amendment to the Highway Traffic Act.

Mr Kormos: Of course it's but an amendment to the Highway Traffic Act, but it was important enough for a ministerial statement. It was important enough to invite leadership from our professional firefighters and policing communities in this province, both provincial and municipal. We think it's important enough to have debate and modest committee hearings.

Interjections.

The Deputy Speaker: The next step is that I start naming members. Sorry for the interruption. Please continue.

Mr Kormos: It is somehow some sort of sport in this chamber to accuse opponents of being less interested in the security and welfare of our police and firefighters than they are. Friends, it's naïve to suggest any member of this chamber would not commit themselves to ensuring that our front-line emergency personnel, be they firefighters, medical personnel—paramedics, among others—or police officers—there is no one here who isn't interested in letting those personnel, men and women across this province—and there's no region of this province, certainly not Niagara, that is immune to the tragedy of a police officer being struck. Niagara wasn't immune, nor is any other part of this province, and it's the sort of remedy that's being proposed in this legislation.

There's no discussion, Minister, that ensuring our police officers, our firefighters and our paramedic front-line medical emergency personnel can do their jobs safely and effectively unless it entails and includes a discussion about adequacy of staffing. Whether that's with respect to policing, ambulance and medical personnel, or professional firefighters, it remains the case. No one is going to obstruct legislation like this that makes some modest improvement in ensuring police, firefighters and ambulance personnel can do their jobs a little more safely.

But Minister, please, policing across this province is under stress in terms of personnel and staffing the likes of which haven't been seen. My leader, Howard Hampton, just a couple of days ago raised in this House his serious concerns about the lack of OPP presence on some of the northern highways in the communities that are part of his constituency. Members of this Legislature have raised over the course of literally years, since 1997 and the Bill 84 debate, concern about the adequacy of staffing when it comes to firefighting personnel in communities across this province and the need for this province to participate with those communities.

Those concerns have been expressed by the member for Nickel Belt up in Sudbury. They have been expressed

by far-north members. They have been expressed by Mr Christopherson from Hamilton, by myself from Niagara and by Toronto members as well. Let's use every opportunity we have to advance the well-argued interests of those emergency personnel—police, firefighters and ambulance workers—for the need for some standards that are not just created but reinforced with funding for minimum staffing. That's critical to letting them, permitting them and enabling them to do their job effectively, and ensuring the safety and security not only of the communities they serve but of themselves and their own brothers and sisters.

We build monuments, as we should, to firefighters, as we will, and as we have to police officers whose lives are taken from them in the course of performing their duty and in the pursuit of securing the safety of their communities. But I put to you, sir, that this remains but lip service if we aren't prepared to commit ourselves to the investments that are critical if we're going to staff these forces across this province to adequate levels to let them do their jobs, and to give them the tools and resources that we call upon them to perform their jobs with. I say to you we should not avoid any opportunity to engage in that debate.

1410

Mr Garfield Dunlop (Simcoe North): On a point of order, Mr Speaker: Following these responses, I ask for unanimous consent to move second and third reading of this bill right now.

The Deputy Speaker: There's a request for unanimous consent to allow second and third—I hear a no. Therefore, we'll move on.

Interjections.

The Deputy Speaker: Order. The House leader for the official opposition will come to order now.

There being no deferred votes today, it is now time for oral questions.

Mr Bartolucci: On a point of order, Mr Speaker: I move unanimous consent for second and third reading of Bill 119, An Act to amend the Highway Traffic Act in respect of studded tires.

The Deputy Speaker: Is there unanimous consent? I heard a no.

Mr Bartolucci: On a point of order, Speaker: I move unanimous consent for second and third reading of Bill 47, which is An Act to amend the Highway Traffic Act to increase the penalties for driving with a suspended licence.

The Deputy Speaker: Is there unanimous consent? Is there a no? Yes, I heard a no. Sorry.

Mr Bartolucci: Speaker, I move unanimous consent for second and third reading of Bill 128, An Act to permit the naming of highway bridges and other structures on the King's Highway in memory of police officers who have died in the line of duty.

The Deputy Speaker: Is there unanimous consent? I heard a no.

Are there any more points of order? Hearing none, then, we will move on to oral questions.

ORAL QUESTIONS

HYDRO RATES

Mr Michael Bryant (St Paul's): My question is for the Premier. During the estimates committee I asked the energy minister about when Ontarians can expect to get their hydro rebate and he said, "I don't have a particular date." He also said, "It could be in August, it could be in April."

Ontarians cannot wait for a hydro rebate pre-election goody. Ontarians can't even wait for a hydro rebate as a Christmas present. Many Ontarians, particularly those on a fixed income, do not just find the hydro rates obscenely high and unfair; they just simply can't afford them. They don't have the cash flow or the revenue stream. They need their hydro rebate now. Will you agree to roll out the rebate to compensate Ontarians for Herculean hydro rates now?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): When the government has a long-term view of what hydro rates have done—as you know, hydro rates were lower than 4.3, which was the average before the free market came into being. They were lower in the months of May and June than they were previously, they were higher in July, August and September, and in the month of October they are again considerably lower. So we will look at a long-term picture. We and OPG have indicated to the public that there will be a rebate forthcoming on amounts over 3.8 cents per kilowatt hour, as the honourable member knows.

Mr Bryant: This is the kind of Ontarian who finds himself in a position where they just cannot pay their hydro bill. It is unaffordable. It's a mom and pop shop, like many mom and pop shops across this province. This one is Marché A&B, in Embrun, Ontario. They saw their bill go up in August of last year \$4,000; this year in August, \$5,700. A \$1,700 hydro hike in one month is unaffordable to a mom and pop shop like this that doesn't have the revenue stream. It's a corner store. It doesn't have the kind of cash flow to permit them to handle this. These stores are imperilled. Jobs will be lost. Businesses will go down. People on fixed incomes are in trouble. They can't wait for forthcoming. They need the hydro rebate now. Why will you not agree to roll out the hydro rebate now?

Hon Mr Eves: It's important to get the entire picture before you decide what a rebate is going to be. You can't do it on the basis of a week or a month or even a three-month period of time. So far, the market has been open for five months. For two of those months the average price was down, for three of those months the average price was up, and now that we're into the sixth month, the average price is down again. So it will be important to look at this in a long-term perspective, and then I'm sure the Minister of Energy and OPG will do the appropriate thing with respect to a rebate.

Mr Bryant: You want them to wait for the big picture, the whole picture. They're getting the picture: they're seeing hydro rates go up. They're not just getting the picture, they're also getting the bill. They can't wait for that rebate. They can't wait until April; they can't wait until August; they can't wait for a pre-election goodie. They can't afford their hydro bills now. We have people calling up our constituency offices saying that they cannot afford their hydro rates now. That's why they need their hydro rebate now. Why won't you roll out the rebate to compensate Ontarians for this government's Herculean hydro rate hikes now?

Hon Mr Eves: Is the honourable member suggesting that if an individual's hydro bill is up three months and down for the other nine months, that we give them a rebate because the cost of hydro was less for nine months of the year and more for three months of the year? Is that what he's suggesting? That wouldn't make any sense whatsoever. You have to look at the long-term picture on what people are paying for hydro. If, in fact, they are paying more than what the average price was before deregulation came into effect, then they will receive the rebate in a timely fashion.

GOVERNMENT APPOINTMENTS

Mr Dwight Duncan (Windsor-St Clair): I have a question for the Premier. Over the last seven years Floyd Laughren, Murray Elston and about seven former opposition members have received government appointments from the Harris-Eves government. Like Brian Mulroney appointing Stephen Lewis to the United Nations, these appointments have served as cover while your Tory friends sneak up to the Eves trough.

I hold in my hand a list of 55 Conservative candidates from the last two elections. That's one half of the 111 Conservatives defeated or retired in those elections. Each received at least one patronage appointment or government job from the Harris-Eves government. Some are justices of the peace, some are on the rent tribunal and others are on the alcohol and gaming commission.

Premier, can you tell me how giving half your defeated and retired candidates cushy government appointments isn't patronage of an unprecedented level?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): There are appointments made from time to time of people of all political stripes and many more, I might add, of no political stripe whatsoever. I think the important thing is to have a qualified individual appointed to any appropriate position. I think he probably does a disservice to some of the former opposition members whose names he rhymed off in the House by suggesting that they didn't have any credentials for the appointment, they were merely a cover for Conservative appointments. You might want to think about retracting that.

Mr Duncan: In 1995 you promised you would be different. In the Common Sense Revolution you promised fewer politicians. The only reason there are fewer

politicians now is because there is more patronage. The Tories are out of the Legislature but are at the Eves trough. Instead of MPPs, now they are justices of the peace and chairs of boards.

Some of them get very good remuneration. Defeated Tory Frank Sheehan gets \$500 a day. Defeated Tory Lynn Beyak has had four separate appointments, including the supposedly impartial Rozanski commission. We're aren't talking about one or two appointments; we're talking about half your defeated candidates at the Eves trough. We're not talking about qualified individuals; we're talking about blatant patronage.

In light of the conditions in our hospitals, in our schools and in our environment, how can you justify patronage of this level at this time for these people?

Hon Mr Eves: I repeat what I said in response to his first question. He certainly is doing disservice to a number of former members of this Legislative Assembly of all three political stripes. Is he suggesting that they have no qualifications for their jobs other than the political party that they happen to have belonged to when they were in this place?

He knows full well that the commitment with respect to reduction in number of members in the Legislature in the Common Sense Revolution refers to adopting the federal boundaries, which we have done, and taking the number of members in this Legislature from 130, then to 127, down to 103. They will henceforth always be identical to the ridings that the federal government decides so that people will know which riding they are in, it will save on expenses, and people will be able to know which riding they vote in from election to election, whether it's provincial or federal. I might point out that your federal colleagues in Ottawa are the ones who actually determine those boundaries and the number of seats.

1420

Mr Duncan: Peter Preston, Jack Carroll, Lillian Ross, Gary Leadston, Leo Jordan, Frank Sheehan, Dave Johnson, Annamarie Castrilli, Bill Saunderson, Terence Young, Joyce Foster, Keith Currie, Jeff Slater, Keith Clingen, Gord Miller—

Interjections.

The Deputy Speaker (Mr David Christopherson): Take your seat, please. Sorry. The majority government members will not drown out questions. Sorry for the interruption. Please continue.

Mr Duncan: —Rick Brassard, Greg Reid, Michael Rohrer, Blaine Tyndall, David McCamon, Don Shepard, Malcolm Mansfield, Pat O'Neil, George Kennedy, Evelyn Dodds, Alain Lalonde, Paul Sutherland, Chris Thompson, Linda Thom, Lynn Beyak, Dan Callaghan, Rob Davis, Joyce Frustaglio and Mike Harris. I don't even have time to list them all, and we haven't even begun to talk about former staff members like David Lindsay, Deb Hutton, Bill Farlinger and Bev Hammond, who you just recently appointed to the board of the LCBO.

Why is it that, like Brian Mulroney, you've been able to look after your friends but not our schools, not our hospitals and certainly not our environment?

Hon Mr Eves: I repeat what I said in response to the first two questions. He left out a few names, of course: Murray Elston, Bob Rae, Tony Silipo, Frank Miclash, Bernard Grandmaître, Gilles Morin, Floyd Laughren, David Cooke, Marion Boyd and on and on. You could have read those out. I'm sure you just forgot to put those in your list of former MPPs.

COMPETITIVE ELECTRICITY MARKET

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Your government is in denial when it comes to your hydro disaster. Last week we told you the hydro Independent Market Operator's surveillance section was investigating Enron-style manipulation of hydro rates this summer, and your government denied it.

Now it turns out one week later that the director of compliance at the Independent Market Operator is conducting not one investigation, not two investigations, but a half-dozen investigations of potential price-fixing, which drove hydro rates through the roof this summer. This looks exactly like the price-fixing that happened in California.

Premier, how much consumer pain do you need before your government admits that your scheme of hydro privatization and deregulation isn't working very well?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): What the honourable member is talking about of course is what the IMO's job and responsibility is. They are to look into anything that might even remotely be improper so that they can assure themselves that we are, in fact, getting an upfront, honest, open and transparent price for electricity and power in the province of Ontario. That's what their function is.

Mr Hampton: Premier, it's not about their function, it's about your government's function: to protect the hydro consumers of this province.

The IMO is saying very clearly that there's enough evidence here to warrant over six detailed investigations. Yet, when I listen to you and your Minister of Energy, you would have the hydro consumers of this province believe that everything is working wonderfully, that a doubling of hydro bills is just a natural thing and people shouldn't worry about it, that people and businesses not being able to pay their hydro bills is all fine and wonderful under your scheme of hydro privatization and deregulation.

My question is, and I'll say it again: how much pain do people have to endure out there? How many senior citizens have to phone in and say, "I can't afford to pay the hydro bills," before your government admits something is wrong?

Hon Mr Eves: The IMO is doing its job. The honourable member over there is suggesting that because the IMO looks into a particular price or a particular circum-

stance, therefore, guilty as charged. I certainly hope you're not planning a career in the judiciary when you leave this place.

Mr Hampton: Premier, do I need to remind you that what happened in California resulted in brownouts, blackouts and consumers being gauged out of billions of dollars? These market surveillance people, the surveillance section at the IMO, are concerned that exactly that kind of scenario can be happening here in Ontario. When you combine that with the other report indicating we face further electricity shortages and the potential for more manipulation of the market, I think that ought to send out a warning bell if you care about consumers.

Premier, we know how much your friends on Bay Street are benefiting from hydro privatization and deregulation, but when are you going to start worrying about the consumers and do something to protect them from sky-high bills and from a situation that is not financially sustainable for them? When do you show some concern for consumers?

Hon Mr Eves: The very fact the government put in place upfront a rebate program to protect consumers from rises in future prices that might be above—

Mr Rick Bartolucci (Sudbury): But you're not paying.

Hon Mr Eves: Do you want them done on a minute's basis or an hourly basis? Don't be so ridiculous over there. You do have to take a long-term point of view.

I would point out to the honourable member opposite that in the most recent report of the market surveillance panel, dated October 7, "The market assessment unit did not report any instances of abuse of market power in the sense of collusive or predatory conduct or any other type of behaviour designed to restrain or prevent competition."

Mr Hampton: My next question is for the Premier—

The Deputy Speaker (Mr David Christopherson): That's fine. New question. Go ahead.

Mr Hampton: Premier, one week after that statement was made, they indicate that investigations are now underway to ascertain why on so many occasions transactions failed and the price of hydro went up by over 50%.

But my next question is about all those agricultural workers across this province—

The Deputy Speaker: The leader of the third party take his seat, please.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Mr Speaker: You're allowed one question, one train of thought, one process, in question period. The supplementary must follow the question.

Interjections.

The Deputy Speaker: Order. The government House leader is making a point of order.

Hon Mr Stockwell: My point of order, Mr Speaker, is he started his question off with respect to a hydro issue and completely shifted gears. I ask you to place the standing orders and put them in place. Either you put a

question about an issue or you don't, but you can't ask two ministries in one specific question.

Interjections.

The Deputy Speaker: Order. Take your seat, please.

I agree with the government House leader. The point of order is in order. It's not unusual for there to be one quick sentence upon standing up, but I actually thought you were getting on to the next question too. So I would ask you in the future to please ensure that when you rise for a new question, you go directly to the minister for that question.

With that, I look to the leader of the third party for a new question.

AGRICULTURAL LABOUR POLICY

Mr Howard Hampton (Kenora-Rainy River): Premier, I'll put this as simply as I can for you. I wouldn't want you to get lost in the preamble.

There are thousands of workers who work in agricultural processing plants across this province. They work in very dangerous jobs. In fact, over the last six or seven years many of them have been killed. The Supreme Court of Canada said they should have the right to form unions and to bargain collectively, but you have put legislation before this House that would not allow them to form a union, would not allow them to bargain over issues like health and safety, job security or anything else.

Can you tell those farm workers why they shouldn't have the right to form a union to bargain to protect their health and safety when, after all, they just work in a different kind of factory than someone who works in a steel factory or an auto factory? Why shouldn't they have the right to bargain for their health and safety and protect themselves?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I am sure the Minister of Agriculture and Food would like to respond.

Hon Helen Johns (Minister of Agriculture and Food): I'd like to say that the Supreme Court was very clear. They said that agricultural workers across the province had the right to associate. They did not say that they had the right to collectively bargain. We have talked to constitutional lawyers. We have worked with lawyers across the province, and we have responded to the results of the Supreme Court decision. We have ensured that there is a right to associate. We have assured the people of the province that we will protect the family farms across the province, because we believe on this side of the House that agriculture is an important part of Ontario. It's the second-largest business in the province, and we need to make sure that we have the ability to allow that business to thrive in the province. We are very supportive of agriculture on this side of the House.

1430

Mr Hampton: The question to the Premier was, why shouldn't these workers who work under very dangerous conditions have the right bargain collectively to protect

their health and safety? For workers who work in those factories, what's the difference between working in a mushroom-packing factory and working in an auto factory? Last year the greenhouse industry in the Leamington-Kingsville area produced \$300 million in crops, but the average annual income for workers there was \$5,000.

You and the Liberals may think this is fair, but we believe that men and women who work in those greenhouses and packing plants deserve the same protection as other workers. Will you amend your legislation so that these workers can be treated equally and they can bargain to protect their health and safety and for fairer wages just like other workers?

Hon Mrs Johns: Let me say that this government has been very clear since 1995 that we are here to protect agriculture and to protect the family farms in Ontario. We are very clear that we are going to answer the Supreme Court. We are going to ensure that family farms are competitive, that they can bring their product into marketplace, because they have a very small window to get it there. We all know in this House and we all know across the province that we need to have product that is made in Ontario. We need food that is made in Ontario, good quality food, and we are going to make sure that we protect agriculture in the province of Ontario.

MINISTER'S EXPENSES

Mrs Sandra Pupatello (Windsor West): My question is for the Premier. Two weeks ago I confronted you with the largesse expenses of your former cabinet minister, Cam Jackson, who is here today. After his lifestyle—

Interjection.

The Deputy Speaker (Mr David Christopherson): Sorry to interrupt you, but I have had enough from the member from London-Fanshawe. You have been interrupting since the moment you got into this place, and if you do it once more you are leaving.

I am sorry for that interruption, member. Please continue.

Mrs Pupatello: My question is for the Premier. Two weeks ago I confronted you with the information on Minister Jackson's expenses. After this was exposed, Mr. Jackson left cabinet. You told the reporters that you fired him because he lied to you, that he didn't provide you with all of the information requested. I find it hard to believe that the Minister of Tourism would supply me with all of the information and not his own Premier.

Yesterday Mr Jackson said that he did give you all the documents and he says you are the one who is not telling the truth. Premier, which is it? Are you telling the truth, or is Mr Jackson?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, I did not say, nor have I ever said, that Minister Jackson lied to me. I have never used those words. I have never said that. What I said was that my office staff asked for a complete list of all the expenses of Minister Jackson and his staff, as requested

by the freedom of information request from your party, and my staff tell me that they did not receive all the receipts for all of the expenses.

Mrs Pupatello: Premier, this is fairly serious, because your cabinet colleagues don't know what your standard is. Is it the fact of how he spent the money, or is it the fact that you didn't seem to receive all the information and quite frankly must have double standards here?

What we need to know is the truth. Did you fire the cabinet minister because of what he spent the money on or how much he spent, or did you fire him because he didn't give you all of the information? That's what the key is. What your government, and your leadership specifically, needs to be about is, what are the cabinet rules? When people ask you questions about those rules, you have to be in a position to answer them and have that documentation, just like the rest of us.

So, Premier, I ask you again: did he follow those rules? Did you fire him because he lied to you? Did you fire him because of the information that he provided to you?

Hon Mr Eves: First of all, I didn't fire Minister Jackson; he resigned. Second of all, if you want to talk about double standards in this place, I would have presumed that by now your leader would have filed his expenses and all those of his 47 staff members for the last seven years with the Legislative Assembly of Ontario.

ALTERNATIVE FUELS

Mr Norm Miller (Parry Sound-Muskoka): My question is for the Minister of Energy. During the spring, the select committee on alternative fuel sources released its report on environmentally friendly sustainable alternatives to our existing fossil fuel sources. I had the pleasure of reading that last night in the Legislature. I know we have members on all sides who are keenly interested in it, including Steve Gilchrist, who has been actively involved. I know that many people in Ontario are concerned about finding more clean, renewable sources of energy. Can you tell me what the government is doing to act on the 141 recommendations of this report?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I would indicate that we're very pleased with the work and the tremendous amount of effort that members from all three political parties made in terms of the preparation of the report and have indicated that we'll report back by the end of the year on some strategies we can use to move forward on a number of the recommendations. We have accepted the report. We think we can do more with respect to alternative fuels in the province. The member will recall that on behalf of the government, I have asked our colleague the member for Scarborough East, Steve Gilchrist, to report back on a fuel standard, and we look forward to receiving his work.

We can do an awful lot more than we do. We realize renewable energy is something that's very important and that has got to go beyond the traditional hydroelectric and

nuclear power that we provide in the province. We need to look at more emerging new technologies.

Mr Miller: Thank you, Minister, for that response. I know you will report back on the government's progress by the end of the year, but in the meantime, can you tell us about the government's efforts to encourage and support green energy?

Hon Mr Baird: In the June budget, the government introduced an exemption from the 14.3-cents-per-litre fuel tax for biodiesel fuels. This will create a tax incentive for consumers to buy products that use renewable resources. The budget also extended the sales tax rebate for hybrid electricity automobiles to cover sport utility vehicles and light utility trucks.

I am pleased that in Huron county the first of five massive wind turbines was put in place by Huron Wind, which will be Ontario's first commercial wind power. This initiative is a joint partnership, which is exciting, and will have five 1.8-megawatt wind turbines to produce enough electricity by December to meet the average annual needs of about 3,000 homes in Ontario. Had a company wanted to build a wind farm in the province in years past, the Liberal Party would have made it illegal. Thank goodness we have strong leadership on behalf of this government.

HAMILTON INCINERATOR

Mr Dominic Agostino (Hamilton East): My question is for the Minister of the Environment. On Saturday morning, residents in the east end of Hamilton woke up with a headline in the Spectator reading, "Toxic Emissions Double; Hamilton's aging waste incinerator worst in Canada in spewing deadly dioxins."

In the last 12 months, highly toxic mercury emissions have increased by 33% at the incinerator. Other hazardous emissions have increased by 44%. I raised this issue in 1999 with your predecessors. I raised it in 2000. The Environmental Commissioner has raised this issue. Clearly, this particular site is now the largest source of toxic compounds in the country, bar none. There isn't a plant of any type in Canada that spews more deadly dioxins than the SWARU incinerator. The time for talking, the time for changing standards, the time for trying to fix it is over. The time has come to shut it down. Shut the SWARU down and ensure you no longer jeopardize the health of my residents of east Hamilton. I ask you today, Minister of the Environment, will you undertake a full and immediate review to examine all options you have to immediately order a shutdown of the SWARU incinerator in Hamilton?

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I'm surprised at the question because last Friday we issued a new C of A. I don't know if he saw it or not, but that's exactly what we did; we actually did do a full review. The Ministry of the Environment staff did a bang-up job, I might add. Those standards that were expected to be brought in were to be brought in by 2006. Do you realize that this plant is

going to have to meet those standards by 2003? You know what? We did them one better. I can't take much credit for this, I've got to give the credit to the Ministry of the Environment staff. They did that one better. As part of the C of A, they're saying that this incinerator has to close by 2005, the first administration that took a positive step, forcing compliance, by 2003 and shutting that incinerator in 2005. I thought you were going to stand up and applaud this government for that kind of environmental sensitivity.

1440

Mr Agostino: Your screaming and yelling today doesn't really do much to help those residents who for 30 years have had put up with this danger. This is not an issue that is trivial. You introduced standards days before this new information was released to show the seriousness of the problem. We've gone down this route. Previous governments have issued new standards. Your government has issued new standards. This plant does not have the ability to meet these new standards. I'm not alone in this. Your Minister of Labour, who's yapping in the background right now, was on board at a press conference two years ago with me to demand the shutdown of the facility. I wish he would stand up and do the same thing today on behalf of the people of east Hamilton.

The reality is that it can't be fixed. They can't meet these standards. It's an incinerator that is 30 years old. They can't afford to make the retrofit so they're not going to meet your standards you put in place. It doesn't matter whether it's 2003, 2004 or 2005. The time for this incinerator is over. I want you to work with me, with the city of Hamilton, to find every way possible to immediately shut down this incinerator.

My residents cannot put up with another day of this. You find it humorous; I realize that. I realize you find cancer-causing dioxins in the air for the residents of Hamilton funny. I don't. This is serious. I'm asking you today to demand an immediate shutdown of the incinerator in Hamilton, and to stop putting the health and lives of my residents in jeopardy by these new rules, by these new supposed guidelines that they cannot meet.

The Deputy Speaker (Mr David Christopherson): Take your seat, please. Minister of the Environment

Hon Mr Stockwell: Let's be clear.

Interjection.

The Deputy Speaker: Number one, it's entirely unacceptable to ask a question, especially a passionate one like that, then sit down and start heckling before the minister draws a breath. Secondly, you said something that I know you're going stand up and withdraw.

Mr Agostino: I withdraw. I apologize for that, Speaker.

The Deputy Speaker: Thank you.

Hon Mr Stockwell: Thank you very much, to the member for Hamilton East, for withdrawing that comment.

There's no humour here. I'm not finding any humour at all, whatsoever in this. The fact of the matter is that it's been operating, you're right, for 30 years. Every adminis-

tration has had a kick at this can and every administration has dropped the ball. We agree. I went to the Ministry of the Environment and said, "We've got to shut this down, we've got to close it." So we had the C of A and we put in tough restrictions that are set for 2006 that every province bought into. But I said, "That's not good enough. They've got to meet these restrictions by 2003," and then I said, "You've got to close this thing." Part of the C of A is that we close it in 2006.

I honestly thought you were going to stand there and say, "Good, that's what should have been done 15 years ago when the Liberals were in office, or 10 years ago when the NDP were in office." I realize it's late, but better late than never. The environmentally conscious Conservatives understood that, and that's why we're shutting it down.

QUEEN ELIZABETH II

AIMING FOR THE TOP SCHOLARSHIPS

Mr Garfield Dunlop (Simcoe North): My question is for the Minister of Training, Colleges and Universities. I'm sure we are all very pleased by the recent visit of Queen Elizabeth II to Ontario and Canada. I think everyone in the House will agree about how Premier Eves handled himself and represented the province of Ontario last Wednesday night.

At a luncheon at Seneca College, Premier Eves announced that Ontario would be honouring Her Majesty by dedicating the Queen Elizabeth II Aiming for the Top scholarships program. Helping young people continue their education is a noble cause, and one that is a fitting honour for our special guest.

Minister, can you tell the House about these scholarships and the impact they will have on young people looking to attend college or university next fall?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): Next fall, the young people who are considering going right now will be applying for the Aiming for the Top scholarship, which has been named the Queen Elizabeth II Aiming for the Top Scholarship.

There is a lot of information that is put out for them. They apply by using the OSAP forms. There is a box that they check off. We have a new publication called Supporting Your Choice for Postsecondary Education that the young people will be able to look at for all programs of financial support. All students who are interested in applying for the Aiming for the Top scholarship, which is as much as \$3,500 for four years, should in fact use the OSAP forms and make sure they meet the deadline sometime in April.

Mr Dunlop: I thank the Minister for that answer. This is another initiative of our government that will support Ontario students in our colleges and universities. There are many talented young people in my constituency who are looking to go on to college or university who will be very interested to know more about this program.

Minister, can you tell the young people in my riding and in other ridings across the province how they can apply for a Queen Elizabeth II Aiming for the Top Scholarship and what they may be eligible to receive?

Hon Mrs Cunningham: The first message I would like to get out to the students who are applying for our colleges and universities next year is that there will be a place for every qualified and motivated student in our colleges and universities.

Their guidance counsellors are helping them in every way they can. There are ambassadors going to our secondary schools to talk to parents and students. Any member of the Legislative Assembly who would like to have a meeting in their own riding, at a school or where they have been requested, please call the Ministry of Training, Colleges and Universities and ask for the ambassador to go out and answer the questions of the students and their parents, along with representatives from the colleges and universities. At that time, I can assure you that this program, the Aiming for the Top Queen Elizabeth scholarship, \$35 million worth of scholarships, \$3,500 for three or four years as long as they keep their marks—I can tell you right now that every single student. These are people who we ought to recognize and be proud of. Go to your high school graduations. Give them out on behalf of the people of Ontario.

LONG-TERM CARE

Ms Shelley Martel (Nickel Belt): I have a question for the Minister of Health. Minister, when you hiked nursing home fees by 15%, you told the elderly and their families that there would be more nurses and personal care aides to care for them.

We've been contacted by workers from three for-profit nursing homes in the Durham region. In one nursing home, a telephone receptionist was hired. In another, a part-time social worker and two part-time personal care aides were hired; the aides are on a contract until the end of December. In the third nursing home, there are no plans to hire new staff at all. You promised more nurses and personal care aides for seniors in nursing homes. Where are they?

Hon Tony Clement (Minister of Health and Long-Term Care): To the associate minister.

Hon Dan Newman (Associate Minister of Health and Long-Term Care): Our government heard the concerns with respect to the nursing home copayment fee. In fact, all those dollars are going toward more nursing and personal care in the province.

We made an announcement on July 31 of this year for \$100 million in additional nursing and personal care investments across the province. What that translates into for the average facility, a 100-bed facility, is 3.9 full-time-equivalent nurses and personal care workers being added to the system, so those staff are being hired. In some cases, some of the part-time staff are being bumped up to full-time staff, so there are more hours being allocated to those staff members. In many instances,

additional staff are being hired. I can tell you that in each and every one of the long-term-care facilities in this province, there will be more nurses and personal care staff added. In fact, there will be some 2,400 in total: 600 registered nurses and 1,800 practical nursing assistants.

1450

Ms Martel: Minister, I just gave you three examples from three for-profit homes in the Durham area which clearly show that nurses and personal care aides are not being hired with this new money, and this despite your promise that there would be four additional full-time nurses, or personal care aides, for every 100 beds.

We do know that in each of the three nursing homes which contacted us, those monies are being used to buy diapers. They're doing so because those operators have received a memo from your ministry which permits them to do so instead of continuing to pay for this out of their accommodation budget.

Minister, will you reverse the policy which lets operators use these dollars for diapers, and guarantee that this new money will only be used to hire the nurses and personal care aides that you promised would be hired for seniors in long-term-care facilities?

Hon Mr Newman: The fact is that each and every dollar that the Ministry of Health and Long-Term Care allocates for nursing and personal care, and for programming and for support services and for food, must be spent exactly on those purposes. The money cannot be spent on anything else.

The \$100 million in nursing and personal care that was announced on July 31—and that, I might add, began flowing on August 1 of this year—must be spent on nursing and personal care. That's why we made that decision. There's nothing else that money can be spent on; it must be spent on hiring additional nurses so that the 61,000 people who call a long-term-care facility home can know they are going to have additional time spent with them because there's going to be additional staff hired in each and every one of those homes, whether it's a for-profit home, whether it's a charitable home or whether it's a municipal home for the aged.

KYOTO PROTOCOL

Mr James J. Bradley (St Catharines): I have a question for the Premier. It is reported that Ralph Klein is seeking a meeting with you, when he comes to Ontario, to try to discredit the Kyoto Protocol. I was Minister of the Environment when Ralph Klein was environment minister in Alberta. No one took the man seriously; he has spent his entire political career fighting every significant environmental program that would benefit our nation. He is considered to be nothing less than an environmental Neanderthal and a shill for business interests who oppose environmental improvement.

You have a choice, Premier: you can either enter a coalition with Ralph Klein and stand side by side with the oil barons and their cohorts who are spending millions of dollars to sabotage an international agreement

that will meet the threat of global warming, or you can lead Ontario toward cleaner air and improved health.

Is it your intention to join Ralph Klein's posse, or do you intend to show bold leadership on behalf of the environment and support the ratification of the Kyoto accord?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I thank the honourable member for that very objective question. In fact, Premier Klein and I are meeting next Wednesday afternoon, in case you're interested. We will be discussing, undoubtedly, many matters of mutual interest and concern with respect to not only the environment but other issues that the Premiers across the provinces are interested in, as I did with Premier Campbell when he was in Toronto two weeks ago.

Interjections.

The Deputy Speaker (Mr David Christopherson): Order.

Interjections.

Mr Bradley: Last night at a reception—

The Deputy Speaker: Wait just a minute, member for St Catharines.

You may continue.

Mr Bradley: Last night a reception was held at the Legislature by a group called the Canadian Coalition for Responsible Environmental Solutions. The title is always a dead giveaway for an anti-environment coalition. Their gang, or portions of it, have opposed every significant progressive measure that has been proposed, and, along with the Klein government, is spending millions in an attempt to torpedo the Kyoto accord.

The chief organizer of this event was the former chief policy adviser of Mike Harris, Guy Giorno, and the chief government speaker was your energy minister, John Baird. Many of your MPPs are now—

Interjections.

The Deputy Speaker: I'm sorry to interrupt you again. I can't hear the member, and he's right there.

Please continue. Sorry for the interruption.

Mr Bradley: Many of your MPPs are now spouting the line suggested by the anti-environment gang word for word. Is it your intention to toe the line of the Guy Giorno coalition, or are you prepared to show environmental leadership and abandon this anti-environment special interest group?

Hon Mr Eves: I'm going to resist the answer that I could give.

I'm on record in a scrum with Premier Campbell when he visited Toronto two weeks ago and I'm on record, as a matter of fact, for the last six months as saying that the province of Ontario always has been at the forefront of reducing air emissions in several different categories, be they nitrous oxide or sulphur dioxide. We have led the way, we believe, and we will continue to lead the way.

We are not going to sign on, as I said to people then, to any agreement, as Paul Martin is saying these days, unless we know what the effects of signing on to such an agreement would be. There are many ways to effectively reduce emissions in the atmosphere other than just

technically falling within the jurisdiction of the so-called Kyoto accord.

As a matter of fact, I'm sure the honourable member is aware that the Prime Minister of Canada has no intention of strictly following the rules of the Kyoto accord.

LONG-TERM CARE

Ms Marilyn Mushinski (Scarborough Centre): My question is to the Associate Minister of Health and Long-Term Care. As every member of this House is aware, Ontario's growing and aging population means that providing quality long-term-care services is becoming even more important for people throughout this province. I'm very pleased to see that our government is working hard to provide even better services and better facilities for Ontario's seniors.

I would appreciate it if the associate minister could update this House on the ongoing developments in the long-term-care sector.

Hon Dan Newman (Associate Minister of Health and Long-Term Care): I'd like to thank the hard-working member from Scarborough Centre for her question. I've had the opportunity over the past few months to attend several groundbreakings and official opening ceremonies of long-term-care facilities across our province. Each and every one of these facilities is making a real difference in the quality of care for residents and for those who require long-term-care services. None of this would be possible without the Ernie Eves government's unprecedented commitment to the long-term-care sector.

In fact, we've invested \$1.2 billion to construct and to re-develop long-term-care beds in every region of our great province. We've also announced another \$100 million for nursing and personal care services throughout our province, and that's money that must be spent directly on nursing and personal care to hire additional staff in all the facilities.

What this means is that the Ernie Eves government is indeed delivering on its promise to provide better long-term-care services across our great province.

Ms Mushinski: Thank you for that response, Minister. I'm particularly pleased to hear that our government is moving forward in these long-term-care initiatives. I'm sure that this is truly making a big difference for residents of long-term-care facilities and their families and loved ones.

I'd like to follow up by asking the associate minister what the total number of beds in the ground in my riding of Scarborough Centre is and how many more are expected this year. I know that my constituents would appreciate an update.

Hon Mr Newman: I'm pleased to respond to the honourable member for Scarborough Centre. I'm happy to report that in the riding of Scarborough Centre and indeed in Scarborough in general 65 beds have been opened and an additional 1,500 beds are expected to open shortly.

This is an unprecedented feat since both my Liberal and NDP colleagues across the floor lacked the vision and the planning to foresee the future and to realize that an aging and a growing population not only in Scarborough but across our province would obviously put additional demands on the long-term-care system.

The response of the opposition parties when they were in government was to simply put their heads into the sand, and worse, to close hospital beds, not only in Scarborough but across Ontario.

We, the Ernie Eves government, on the other hand, have opened 6,800 new beds and have redeveloped 2,300 older beds. I think it's important to note that we currently have an additional 12,200 beds under construction and scheduled to open in the immediate future.

I'm proud to be a member of a government that has stepped up to the plate and a government that is thinking about our seniors, and I appreciate the positive feedback Ontarians have given us about our vision and our plan for long-term care in Ontario.

1500

ETHANOL PROJECT

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): My question is to the Minister of Energy. On October 8, the Seaway Valley ethanol co-operative had their annual meeting in Kemptville. The local agricultural community has raised \$16,248,000 for this \$48-million project. A commitment was made by former minister Elmer Buchanan that they were going to be a partner in this project when the NDP government was in power. In 1995 the Conservative government came into power and cancelled their partnership in the project, only to re-announce it.

Minister, when you were in our part of Ontario recently and were questioned on this project, you gave the residents a little bit of hope. I was just wondering if you could update the House on the meetings that have taken place and what the position of the provincial government is.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): This is an important issue throughout the rural part of eastern Ontario, in which part of my riding is located. I did want to correct the record on one part of what the member opposite said. He said that Elmer Buchanan, the NDP Minister of Agriculture, wanted to fund this. Well, many of us on this team showed up in 1995, and Mother Hubbard told us the cupboard was bare; there was no money to meet the commitments the previous NDP government had made.

There is some financial support that the previous Minister of Agriculture, Noble Villeneuve, made when he fought for this area, and that is indeed good news. We on this side of the House have been very supportive of the agricultural industry. We've provided grants of \$5 million and \$3 million for ethanol projects in both Chatham and Cornwall. It's an issue we're all concerned

about, I'm tremendously concerned about, and we are following very closely.

Mr Cleary: I didn't know about Mother Hubbard. I was here. Anyway, my supplementary question: this is a 66-million litre project, 30 full-time jobs, and I'm told that the ethanol is pre-sold for some 10 years once the plant is built.

I've been getting lots of faxes and e-mails. I'm sure the one that I'm going to read here is one the minister also got a copy of. I don't know who these people are, but they say, "As shareholders in Seaway Valley Farmer's Energy Co-operative, it appals us ... that our government officials can remain so ignorant" on this project. It's signed "Sincerely" by Ron Harrison, Margaret Harrison, Ian Harrison and Brian Harrison. I don't know these people. I'd like your comments.

Hon Mr Baird: As I said to the member opposite, I appreciate that he cares about this issue. So do I. I, along with my colleague the Minister of Public Security, Bob Runciman, and my colleague the Minister of the Environment, Chris Stockwell, took the opportunity to sit down with the group this past Friday in Kemptville to learn more about the specific nature of their requests and their concerns.

We made a number of inquiries with respect to what kind of help they were needing, given that their financing through a European bank has fallen through. The fact that we had three Conservative ministers come to Cornwall, together with representatives of the staff of the minister without portfolio and the former Chair of the alternative fuels committee, Doug Galt, signalled that this is an important issue.

We had a few representatives from the federal government and we did ask a series of questions, asked for some more information, and the group has committed to get back to Minister Runciman, Minister Galt, Minister Stockwell and I on this important initiative.

I share the interest of the member opposite, and I am certainly happy to work with him on it.

OAK RIDGES MORaine

Mrs Julia Munro (York North): My question is for the Minister of Municipal Affairs and Housing. As we all know, the Oak Ridges Moraine Protection Act protects the moraine's natural resources, including the quality and quantity of its water, maintains the integrity of a continuous natural system, fosters innovative ways to support landowners, and encourages private land stewardship. Finally, it supports a clear, defined planning process that provides housing for a growing population.

Recently the Environmental Commissioner awarded the Ministry of Municipal Affairs and Housing with the annual ECO Recognition Award for its work on the legislation and the plan. I am interested in hearing if there have been any further accomplishments since that announcement.

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I appreciate the question from the

member for York North, who has been keenly interested, as all members of the Legislature have been, in the Oak Ridges moraine. Yes, it's true, the Environmental Commissioner awarded his recognition award this year to our ministry. I would like to personally thank the staff of the Ministry of Municipal Affairs and Housing, and also the staff of the Ministry of Natural Resources and of the Ministry of the Environment, who worked very hard to make this legislation come into effect.

I think that Debbe Crandall, the head of Save the Oak Ridges Moraine, known as STORM, said it best when she said, "Ministry staff on the Oak Ridges moraine project have done an outstanding job in meeting the challenges of developing the legislation and plan in such a tight time frame. The phenomenal technical support during last summer's panel deliberations, subsequent panel consultations and development of the final legislative package is quite heartening. The commitment of ministry staff is highly deserving of recognition from the Environmental Commissioner."

Mrs Munro: Thank you, Minister, for your response. I would also like to find out what steps are being taken to continue to protect the Oak Ridges moraine and inform the constituents of my riding and the surrounding ridings of our government's plan.

Hon Mr Hodgson: The member for York North is quite right. This is an historic achievement. We want to make sure that the law is upheld. Inside the law that was passed unanimously by this Legislature are penalties to make sure that enforcement is tough.

We're also bringing in watershed plans to make sure we protect the quality and quantity of the water. The conservation authorities have been given dollars by the Ministry of the Environment to do that.

We've also set up a trust that we've put \$15 million into. There's a panel set up that will be reporting back when they become permanent. We expect that money to be matched by the federal government and environmental groups as we go forward to protect the land base.

We are also having public hearings conducted by David Crombie on the follow-up to the land exchange he recommended to keep the wide, robust corridor through the Richmond Hill area. We're also sending out a householder brochure to all the residents around the moraine which helps explain why it is important to protect this area's natural features and what steps we've taken to ensure that the moraine is protected for future generations to come.

HIGHWAY MAINTENANCE

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Transportation. This past weekend on the TransCanada Highway between Dryden and Kenora, more than 40 transport trailers and trucks were involved in highway collisions following the first snowfall of the year. Thankfully, no one was killed, though many people were hurt. This is the same stretch of the TransCanada Highway where 29 people have been

killed in highway traffic accidents over the last three years. This past weekend, the highway was one big sheet of ice because the private highway maintenance contractors hired by your government failed to clear the snow and ice.

Minister, people are angry and they're very upset. Is this how the Conservative government scheme of privatized highway maintenance is supposed to work?

Hon Norman W. Sterling (Minister of Transportation): I cannot comment on the particular incident that occurred up north. Of course we're not in control of the weather, and unfortunately, when there is ice on the roads, accidents will occur regardless of how fast maintenance is there.

Our private maintenance contractors have a very, very close monitoring system on them. We can tell when they are out on the road. This is electronically controlled. In fact, the controls over exactly what happens out on the roads are greater today than they were when public servants were providing that maintenance.

The Deputy Speaker (Mr David Christopherson): Supplementary?

Mr Gilles Bisson (Timmins-James Bay): If you as Minister of Transportation don't know, I guess we have something to be worried about in northern Ontario. We had the exact same situation but a week and a half ago. The community of Hearst had their first snowfall, as did Kapuskasing and the areas around, with the same kind of problem when it came to making sure those highways were kept open. In fact, they weren't, because the contractors didn't do their job.

But what makes the thing worse is that you have in place a program called the MTO road safety hotline, and when our staff called at 2 pm on Tuesday to find out what the condition of the highway was, they were getting recordings about the conditions on the highways from four days earlier. That's not acceptable. People who took to the road and were at risk, because not only did your highway contractors not do their job, but your own hotline was giving information that was four days old. Minister, the question is simply this: privatization doesn't work; are you prepared to reverse it?

1510

Hon Mr Sterling: Well, it is unacceptable, if in fact information is four days old. I will look into that and have it corrected if that's the case.

In spite of the severe weather that we have in our province from time to time, we still have the safest driving records in all of Canada, second in all of North America. So we must be doing some things right in terms of the kinds of roads we are building, the maintenance systems that we are placing and those kinds of things. One accident is one accident too many so we will continue to work on improving the system that we have, but we have a pretty good system here in Ontario. Our Ministry of Transportation closely monitors our private contractors in terms of the services they provide and the maintenance they provide. I will look into the matter and,

of course, this matter is under investigation by the police at this time.

MACULAR DEGENERATION

Mr Ernie Parsons (Prince Edward-Hastings): My question is for the Minister of Health. In May you held a press conference when you promised to fully fund the Visudyne treatment for individuals with wet-type macular degeneration. You thrived on the applause, and then you betrayed them after. You brought in criteria that effectively prevented the vast majority from having that treatment. Your criteria says they must be at least 50% blind before you will fund it. Don't blame the federal government. You're forcing these people who are 40%, 30% and 20% blind, if they want to save their eyesight, to pay for it themselves. There is no cost savings to you. It's the same cost whether they're 30% or 50%.

Minister, I don't know why you are not funding the treatment after you make the promise, but I am begging you, I am imploring you for the thousands of seniors in this province, to live up to your commitment. Will you fully fund the Visudyne treatment for macular degeneration for everyone who would benefit from that treatment?

Hon Tony Clement (Minister of Health and Long-Term Care): Let me assure this House that we are, through that decision of this government, affording a benefit to thousands of senior citizens. The honourable member is correct when he says that this is based on criteria that were developed by Health Canada, criteria that are clinical, criteria that are objective, that are based on the best clinical evidence of efficacy. Those are the criteria that we have adopted, because they are the criteria that are clinical and effective and objective. If the honourable member has a problem with the criteria, I'd be happy to intervene with the federal Minister of Health and perhaps we can get this issue solved from that end.

MEMBER'S COMMENTS

Mr Garry J. Guzzo (Ottawa West-Nepean): Mr Speaker, I rise on a point of order with regard to the preamble to the question placed earlier today to the Premier by the member for St Catharines. I don't know whether you heard what I heard and I'm not certain that I heard it clearly, but I suggest to you that if that terminology had been used to describe a member of this House, you would have ruled it out of order. Indeed, if it was used to describe a former member of this House, you would have ruled it out of order. It was to describe a Premier of a province in this country, one of the two provinces that contributes financially to the maintenance of this country. It is troubling, to say the least.

I don't honestly know without reference to the Bible whether or not it is out of order, but I do intend to deal with it. I ask you if you heard what I heard and if you heard the comments in the manner in which I heard them and—I also have to say this—the applause that it drew

from the members of his party in support thereof therefore attributes those words to each and every member, including their leader. I don't really think, if they heard what I heard, that would be an appropriate and fair interpretation.

Interjection.

Mr Guzzo: In my submission the comments being applied to a Premier of a province in this country are totally out of order.

The Deputy Speaker (Mr David Christopherson): I don't recall the comment specifically. I will afford the member—was it the member for St Catharines? It's not possible for that to be addressed now. I'll take a look into it and get back to you. That's the best I can offer right now.

PETITIONS

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): This is a petition to the Legislative Assembly of Ontario, and it deals with the multi-laning of Highway 69 between Sudbury and Parry Sound. I will be giving it to Philippe, who is a resident of Sudbury.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas 46 people have died in the last three years on that stretch of highway; and

"Whereas 10 people have died so far this year on that stretch of highway between Sudbury and Parry Sound; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris—Eves government has failed to do so;

"Be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

Of course, I sign my signature to this petition.

SCHOOL CLOSURES

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have a petition in part generated by citizens concerned

about the closure of Delhi District Secondary School. It's entitled "Moratorium on High School Closures."

"To the Legislative Assembly of Ontario:

"Whereas one high school has closed and several others are threatened by the Grand Erie District School Board; and

"Whereas the Education Equality Task Force led by Dr Mordechai Rozanski is reviewing the current funding formula for education in Ontario; and

"Whereas the Grand Erie District School Board is expected to issue additional high school closures; and

"Whereas parent groups and community volunteers feel the GEDSB has not set aside adequate time to review and explore all other viable options to keep area high schools open;

"We, the undersigned, request the Grand Erie District School Board and the Ministry of Education declare a moratorium on secondary school closures until such time recommendations from the Education Equality Task Force will have been implemented."

I have worked with this group and on behalf of this high school for a number of years, and it's my pleasure to also sign this petition.

LONG-TERM CARE

Mr Bruce Crozier (Essex): I have a petition with regard to the increased fees required of seniors and our most vulnerable living in long-term-care facilities. It concludes with the words:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

In support of this petition, I sign my signature.

COMMUNITY HEALTH CARE CENTRES

Mr Marcel Beaubien (Lambton-Kent-Middlesex): I have a petition, and it reads as follows:

"Whereas Sarnia-Point Edward and area is experiencing a crisis in a shortage of health care professionals, specifically doctors; and

"Whereas community health care centres are a proven primary health care system that can attract professionals and deliver primary health care in a cost-effective, efficient manner;

"Be it resolved that the Legislative Assembly of Ontario approve a community health care centre for Sarnia-Point Edward and area as soon as possible."

EDUCATION FUNDING

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I have a petition from the people in the community of Bancroft.

"To the Legislative Assembly of Ontario:

"Whereas the funding for school boards is now based on the student-focused funding legislative grants for the 2001-02 school board fiscal year;

"Whereas the Hastings and Prince Edward District School Board is in a period of declining enrolment, a trend that is projected to continue over the next five years;

"Whereas application of the student-focused funding model for 2001-02 does not allow sufficient funding to the Hastings and Prince Edward District School Board for secretarial support in schools, principals and vice-principals, transportation or school operations;

"Whereas costs in these areas cannot be reduced at the same rate as the enrolment declines;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To reassess the student-focused funding legislative grants and to provide additional funding for those areas where funding is insufficient and to adjust ... student-focused funding legislative grants to address the situation of declining enrolments faced by the Hastings and Prince Edward District School Board and other boards in Ontario."

I affix my signature because I support it wholeheartedly, and I will hand it to Rachel to take to the clerk.

1520

SCHOOL CLOSURES

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have yet another set of petitions introducing a number of new ideas with respect to high school closures.

"Whereas the education funding formula applied uniformly across the province of Ontario has forced many consolidated boards of education to move to close schools, especially in rural areas; and

"Whereas the formula is now being reviewed by Dr Mordechai Rozanski, with a report to the provincial government anticipated by November 2002; now

"The undersigned petition Dr Rozanski, the boards of education and the province of Ontario as follows:

"(1) include in any future funding formula recognition of the importance of rural schools to their communities;

"(2) give communities the opportunity to directly support (by taxation, if necessary) their schools to ensure their continued existence; and

"(3) mandate an immediate moratorium on the consideration of the school closures until the new funding formula is in place."

These petitions are generated by people in the Delhi area of Norfolk county. I feel there are some ideas worth exploring, and I affix my signature to these.

SCHOOL BUS SAFETY

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas some motorists are recklessly endangering the lives of children by not obeying the highway traffic

law requiring them to stop for school buses with their warning lights activated;

"Whereas the current law has no teeth to protect the children who ride the school buses of Ontario, and who are at risk and their safety is in jeopardy;

"Whereas the current school bus law is difficult to enforce, since not only is the licence plate number required but positive identification of the driver and vehicle as well, which makes it extremely difficult to obtain a conviction;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the measures contained in private member's Bill 112, An Act to amend the Highway Traffic Act to protect children while on school buses, presented by Pat Hoy, MPP, Chatham-Kent-Essex, be immediately enacted. Bill 112 received the unanimous all-party support of the Ontario Legislature at second reading on June 13, 2002.

"Bill 112 imposed liability on the owner of a vehicle that fails to stop for a school bus that has its overhead red signal lights flashing and

"Increased the fines for drivers identified breaking the school bus law to a range from \$500 to \$1,000 on a first conviction and \$1,000 to \$2,000 on a subsequent conviction;

"It established a fine for identified vehicles breaking the school bus law of \$1,000 to \$2,000 on a first conviction and \$2,000 to \$3,000 on a subsequent conviction; and

"We ask for the support of all members of the Legislature."

This is signed by a number of residents from Chatham and I too have signed it.

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): The petitions, letters and protest continue to come in related to the Ontario Energy Board approval of the Union Gas retroactive delivery charges, and I'm pleased to read some more. To the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that

will protect consumers from further retroactive rate increases."

This was given to me by Robert Gashinski, an inspector with the Thunder Bay fire department. I am of course very pleased he's done so and I will add my name to the petition.

WATER EXTRACTION

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): To the Legislative Assembly of Ontario:

"Whereas we, the residents and cottagers of Bob's Lake, strenuously object to the permit issued by the Ministry of the Environment to OMYA Inc to remove 1.5 million litres of water per day from the Tay River, without adequate assessment of the consequences and without adequate consultation with the public and those people and groups who have expertise and interest; and

"Whereas it is our belief that this water taking will drastically impact the environment and seriously affect the water levels in Bob's and Christie lakes. This in turn would affect fish spawning beds as well as habitat....

"Whereas Bob's Lake and the Tay River watershed are already highly stressed by the historic responsibility of Parks Canada to use Bob's Lake as a reservoir for the Rideau Canal; and

"Whereas the movement of water from the lake through the watershed for navigation purposes in the canal provides sufficient stress and problems for the lake.

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We request that this permit be rescinded until a comprehensive evaluation of the impact of water taking by OMYA Inc on the environment, the water levels and the water needs of these communities is complete. An independent non-partisan body should undertake this evaluation."

I shall affix my signature to this petition because I am in full agreement, and I will hand it to Kyle to take to the Clerk's table.

LONG-TERM CARE

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I have a petition to the Legislative Assembly.

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and the most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I have also signed the petition.

NATURAL GAS RATES

Mr Pat Hoy (Chatham-Kent Essex): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore, be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases."

This petition is signed by a number of residents from Ridgetown, Listowel, Tilbury, Blenheim and Chatham.

1530

LONG-TERM CARE

Mr Michael Gravelle (Thunder Bay-Superior North): Petitions related to the long-term-care increases continue to come in as well. A petition to the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to simply raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I'm happy to sign my name to this and I'll pass it off to Sam.

ORDERS OF THE DAY

TIME ALLOCATION

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 151, An Act respecting the Toronto Waterfront Revitalization Corporation, when Bill 151 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment and at such time the bill shall be ordered referred to the standing committee on finance and economic affairs; and

That the vote on second reading may, pursuant to standing order 28(h), be deferred; and

That the standing committee on finance and economic affairs shall be authorized to meet at its next scheduled time for the purpose of consideration of the bill; and

That two days be allotted to hearings and one day allotted to clause-by-clause consideration of the bill; and

That, no later than 4 pm on the day the committee is scheduled for clause-by-clause consideration, those amendments which have not yet been moved shall be

deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond its normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the standing committee on finance and economic affairs, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

I believe that we have consent to allow the member from Lambton-Kent-Middlesex the leadoff.

The Acting Speaker (Mr Michael A. Brown): Mr Turnbull has moved government notice of motion number 43, Minister.

Hon Mr Turnbull: I believe we have consent to allow the member from Lambton-Kent-Middlesex to lead off debate.

The Acting Speaker: Mr Turnbull has asked that the member from Lambton-Kent-Middlesex be able to lead off this time for the government. Agreed? Agreed.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): I rise today to support the motion for time allocation on Bill 151, the Toronto Waterfront Revitalization Corporation Act. As the members know, this bill provides for the creation of a permanent Toronto waterfront revitalization corporation. This permanent agency would replace the interim corporation that was created last November. This is good legislation, and I believe it merits the support of all members. I would like to take a few minutes of your time here today to outline why Bill 151 will bring significant benefits to the city of Toronto and to both Ontario and Canada.

As my honourable colleagues may know, the redevelopment of Toronto's waterfront is long overdue. The waterfront area is a sadly underutilized part of the city that has been neglected for many years. One of the

reasons for this neglect was the inability of the many different governments and agencies with responsibility for the waterfront to agree on its future. In addition to the city of Toronto, for example, both the provincial and federal governments have interests and responsibilities in the waterfront area. Other stakeholders include the Toronto Harbour Commission, scores of community and industry organizations, the International Joint Commission, the St Lawrence Seaway—and the list goes on.

When we talk about many years of neglect, there was an article in one of the local newspapers, the Toronto Sun, on October 15. The headline says, "The Selling of Toronto." Then it says, "We're no longer the destination of choice." I quote from this article: "The folks from Tourism Toronto came to last week's economic development committee meeting armed with more depressing news about the city's visitor slump.

"Last year—while city council was busy deluding itself into thinking Toronto is a world-class city and tourist destination—domestic visitors declined by 14%.

"Since visitors from Canada make up 70% of the city's total tourism and 45% of the spending ... that's a serious drop...

"The most significant decline has been in the business visitor market—down a whopping 22% last year, a trend which continues this year. Hotel occupancy rates in the GTA have dropped from an average of nearly 75% in 1998 to barely 65% so far this year.

"The city's own report showed visitors to Ontario from the US dropped 14% from January to June of this year compared to the same period last year. Overseas visitors were down 18%. Since Toronto is Ontario's most visited destination, these decreases impact on the city's hotel occupancies and attraction attendance ... which notes the declines go well beyond the impact of September 11."

I must point out that Toronto is not the only community in the province of Ontario that is probably experiencing these types of difficulties and challenges. I have the St Clair Parkway Commission in my riding of Lambton-Kent-Middlesex. Certainly because of the post-September 11 situation and the decline of US tourists into southwestern Ontario, they are faced with a \$200,000 operational deficit this year.

Consequently, I think it's long overdue, and it certainly is timely that all levels of government realize that we must improve our waterfronts, not only in Toronto but in many communities across the province.

1540

There is no doubt that we all realize that Toronto may be the economic engine of the province of Ontario, but we have many other smaller communities that attract tourists, that create economic activity for Ontario and for Canada. We must not forget about these communities, communities like Wallaceburg, Sault Ste Marie, Sarnia, Kingston. There are many communities, and I'm sure I could go on naming them—if we were to look in northwestern Ontario, for instance, Kenora. These communities must all be looked after by all levels of government.

Fortunately, with Bill 151, we have found a way to break this impasse. We have found an approach that will clear the logjam that has been frustrating the redevelopment of the Toronto waterfront for so long. In short, Bill 151 gives us a way to move forward and to realize our new vision of the future. Strictly speaking, Bill 151 does not propose a new approach to waterfront development. In fact, it is based on a proven approach that has been successfully used in a number of major waterfront revitalization projects in other cities, including the London docklands, the Melbourne docklands and Battery Park City, in New York. These three projects were undertaken in different parts of the world, in different countries, and in cities and regions with different economies. In most of these projects, not only did the public sector play a major role but the private sector also played a major role.

I would like to refer to an article that appeared recently in the *Bluewater Business Magazine*, a magazine in my area. There are successful stories with regard to the private-public sector in smaller communities. This deals with a small—well, it's no longer small, but it certainly is a small to medium-sized corporation in my riding that is managing some properties for the city of Waterloo.

"On June 25, Steeves and Rozema Asset Management, which specializes in contract management services for all types of real estate and investment properties, was honoured to receive the Building Owners and Managers Association International's Office Building of the Year Award. S&R and the Waterloo City Centre, the building with which it won, was recognized for excellence in office building management and operations in the 100,000-square-foot category at the BOMA International's 95th annual convention awards gala in Chicago. With the award comes the claim of top office building in the world for its size."

I think that speaks volumes. Here we have a small corporation in a mid-sized community in southwestern Ontario—I guess Waterloo could be considered a mid-sized community—managing a facility, yet they have been recognized as the best-managed and -operated facility in the world for a building under 100,000 square feet.

So when we look at the potential for waterfront development, be it in Toronto, Sarnia, Wallaceburg or wherever in the province of Ontario, I think it's important and I think we all realize that the private sector, along with the other levels of government, does have a major role to play.

In every case, the projects were implemented successfully—and I refer to the three projects I just named—and the redevelopment work was faithful to the integrity of the original vision. In retrospect, the key factor in the projects' success was the common approach taken to redevelopment.

Again, it's interesting that an awful lot of items have been written in the newspapers recently. In the October 15 issue of the *Toronto Star*, the headline was "Designers Seek Harbour Views." If I may quote, it says, "Top urban

design experts from Europe and North America are meeting in Toronto this week for a three-day workshop to generate ideas on revitalizing the city's waterfront." One individual is quoted as saying, "Our waterfront is considered one of North America's most valued properties.... The design initiative gives us the opportunity to start exploring ideas as the local level about how we might transform this tremendous resource."

I think it's important that the first step for each project is the creation of an arm's-length development agency. This agency was given the responsibility, authority and resources it required to implement this vision. The same approach to governance that was used so successfully in London, in Melbourne and in New York is the approach proposed in Bill 151 for Toronto's waterfront.

In Bill 151, just as in each of the other three projects I have mentioned, a special-purpose body or corporation would be established right from the start of the redevelopment process. It would provide the project with a businesslike focus. The work would be undertaken through a corporate entity with the responsibilities, authorities and powers needed to achieve the overall objectives.

It is important to note that in each of the three waterfront projects I mentioned, a special agency was deemed necessary to recognize and respect the different interests and players involved. In each case, no single level of government could have succeeded on its own. It was recognized that the work could not proceed without the co-operation and support of all levels of government.

That is why, in Bill 151, the government is proposing an arm's-length corporation that would act in the interests of the three government partners, namely, the city of Toronto, the province of Ontario and the government of Canada. To ensure that this could happen, section 14 of the proposed bill would allow the city of Toronto to participate in the waterfront revitalization process as an equal partner with the federal and provincial governments.

Moreover, Bill 151 provides for each government partner to appoint up to four members of the Toronto waterfront board of directors to ensure that the interests of all three partners are adequately represented.

There are a number of other parallels between the successful approaches used elsewhere and the approach being used in Bill 151. For example, each of the international waterfront projects I have mentioned began with a clear description of the redevelopment corporation's purpose and mandate. Accordingly, section 3 of Bill 151 provides a clear statement of the purpose of the proposed Toronto Waterfront Revitalization Corp.

In the other waterfront projects, the corporations also had independent boards to foster private sector discipline and to enable the agencies to retain and supervise the executive staff they needed to plan and implement the initiatives. Accordingly, section 5 of Bill 151 provides that politicians and civil servants would not be eligible to serve on the board of the proposed TWRC.

Another similarity is that the three other international development corporations were given mandates only for a limited time. In Bill 151, the proposed TWRC would be created for a period of 20 years, with the possibility of continuation for another five years. The wind-up requirements of the proposed corporation are spelled out in section 13 of Bill 151. In London, Melbourne and New York the development corporations also had to meet strict requirements for public accountability and transparency. In each case, particular attention was given to the keeping of accounts, to contracting, and to the procedures governing the acquisition and, certainly equally as important, the disposal of lands.

Bill 151 contains numerous provisions for the proposed TWRC's public accountability and transparency. Accounting is addressed in section 9, and auditing requirements are laid out in section 10. As well, section 11 of the proposed legislation makes it a requirement for the TWRC to prepare an annual report and to make this report available to the public.

1550

The government will be proposing a number of other amendments to Bill 151 that are designed to further strengthen the requirements for the proposed corporation to gather public input and undertake public consultation. I should point out, however, that the draft legislation does not specifically address requirements around contracting and conflict-of-interest policies and procedures, nor does it detail procedures for the acquisition and disposal of lands. The three governments and the TWRC are working to address these issues through a number of other mechanisms such as directions to the board, development protocols and contribution agreements.

Bill 151 reflects another key element of the successful approach to redevelopment that has been used elsewhere. That was to make each waterfront development corporation a legal entity in its own right. In each of the cases I have cited, the corporations were given the ability to acquire, hold and dispose of property. They could also raise financing and enter into legal proceedings in their own name. Bill 151 adopts this model for the proposed TWRC. Section 4 of the bill would provide the proposed TWRC with the powers of a natural person. At the same time, however, the bill places a condition on the corporation's power to raise revenue, borrow money, mortgage its assets and establish subsidiaries. That condition is designed to further protect the public interests, and it states that before exercising any of these corporate powers, the proposed Toronto Waterfront Revitalization Corp would first require the consent of its three government partners.

In Bill 151, then, the government is proposing a redevelopment model that has been proven to work, one that is very similar to the approaches used in London, Melbourne and New York. I think it is also worth noting that the approach to governance proposed in Bill 151 is also modeled on the recommendations of the Toronto Waterfront Revitalization Task Force in its March 2000 report.

Perhaps most importantly, the governance model being proposed in Bill 151 is one that has the support of all three government partners in the Toronto waterfront revitalization initiative. This agreement between the different levels of government has allowed the partners to embrace a common vision of the future. That unanimous approval is unique in the history of the waterfront, and it therefore represents a tremendous opportunity for Toronto, Ontario, and, I may say, Canada.

As I said earlier, the principal stumbling block to redeveloping Toronto's waterfront has always been that no one could agree on the future of the area. With the passage of Bill 151, we would finally have moved beyond that stage, toward the dawn of a new and exciting era.

In crafting the proposed legislation, the province has made good on its commitment to its other government partners to take the lead in creating an arms-length development agency so that we can get on with the business of implementing our shared vision of the waterfront's future. With the passage of Bill 151, new investments would start to flow into the waterfront area to revitalize and transform an underutilized area to one of the jewels in Toronto's crown.

In effect, those members who support this legislation will be helping to strengthen the international competitiveness of Canada's largest city. At the same time, they will be helping our government to create thousands of new jobs, new neighbourhoods and new places for living and working near the city's downtown core.

The proposed legislation would mandate the new TWRC to begin creating an accessible, active waterfront district, a place with exciting new developments for people to live, work and play. I may add, that's what it's all about: a place that would be exciting for people to live, work and play, with housing development, commercial development, recreational facilities—that are always sadly lacking in many municipalities, not only in Toronto's new waterfront development but certainly across many other smaller communities in the province of Ontario that certainly could see some improvement to their waterfront.

This corporation needs that mandate. We have the opportunity to give it that mandate here today. As I said earlier, Bill 151 is good legislation. Its passage will permit good things to happen to the Toronto waterfront. New jobs, new homes, new business opportunities and billions of dollars' worth of new investment depend on the passage of this bill.

I call on all members of this Legislature to vote for a stronger Toronto, a stronger Ontario and a stronger, more competitive Canada. I realize that we do face some challenges, especially when we look at the weakness of our dollar today and some of the concern that it gives to an awful lot of people, including yours truly. Sometimes, I have to ask myself, when I look at what is occurring in my own riding, when I see many Americans—and not that I have anything against Americans or Europeans—but they're buying all the waterfront lands, they're

buying viable businesses, they're buying viable corporations, because of the low dollar.

I know that we don't control the monetary system in this province, but sometimes we have to ask ourselves: is Canada for sale, and is it the right thing for Canada to be for sale? I think there would, certainly, be many different answers from many different people.

I urge all members to support this bill in order to provide for a stronger Toronto, a stronger Ontario, and certainly a more competitive and stronger Canada. By supporting this bill I think we will achieve that goal.

Mr Gerry Phillips (Scarborough-Agincourt): Our party and my leader Dalton McGuinty indicated all along that we are supporting the bill.

I would just say to the people watching that this bill was introduced almost a year ago now, December 11, 2001, 10 months ago. So here we are dealing with something called time allocation. In other words, this bill has got to get passed right away. I say to the people at home who are watching this: doesn't it strike you as odd that the government introduced this bill in December of last year, more than 10 months ago, and we've just begun debate on this bill a few days ago and now the government is saying, "We've simply got to get this thing passed; we're going to cut off the debate now"? You can't have it both ways. You can't say that this is a matter of extreme urgency and then do nothing about it for 10 months. I hold the government accountable for that. It's mismanagement at its height.

I also say to the public that our party is very supportive of whatever we can do to ensure that Toronto is rejuvenated; that we set our sights high. This was in the 2000 budget. That was introduced two and a half years ago. If you look in the budget, it talked about investment in the waterfront. It put \$200 million in this budget two and a half years ago. I think virtually none of that was spent in that year's budget. The next year's budget, the 2001 budget, had another \$200 million in it, with virtually none of it spent. This year's budget has got a similar amount in it.

1600

I have a saying about this government, the Harris-Eves government: don't listen to what they say; you've got to watch what they do, because that's the true indicator. To the people in the city of Toronto who are anxious to see our city once again—I represent a riding here in Toronto, so I have a particular interest in the city of Toronto. The people of Toronto are anxious to see what the government is actually going to do. I've watched now for two and a half years, when the talk was relatively cheap and the action has been slow to come.

I want to talk about the board and some of the concerns that we have. I gather from the time allocation motion that this bill will be going to committee, and I look forward to that. The bill does talk about, and I think there's another amendment coming on this, I'm told—although we haven't seen it—that will ensure that this board does its business in public. That's important. I've been very disappointed in what happened to the western

part of the Toronto harbour. I think there's a huge opportunity missed there. I don't know who's to blame for that. It took place, I believe, in the 1970s. But if you go down to the harbour front now, the western portion of it, I think it's an unfortunate development down there.

I would just say to the government, I think we need some definitions on conflict of interest on public boards. I've used this example before. It has to do with the crown jewel in Mr Eves's privatization—that is, the 407 corporation. There's an individual on the board of directors of the 407 corporation called Mr Al Leach. I want to make it very clear to the Legislature and the public that he's an individual of talent; he's well regarded. This is not about Mr Leach and his abilities. But Mr Leach sits on the 407 corporation board. By the way, this is the most lucrative toll road in the world. I was just looking at some financial data from one of the owners of the corporation who recently increased their stake in it. The companies that bought the 407 corporation—it was Mr Eves, by the way, who negotiated the deal. The deal closed May 5, 1999, the day the election was called. They put an equity investment into the 407 of \$750 million. Today that is worth more than four times what they paid. Why? It's the only private toll road in the world where they can take tolls up without limit. In fact, an article I read about one of the owners said they can take it up at a whim, to use the terms in the document.

So here we have the 407 corporation that is now worth four times what the people paid for it and the tolls can be taken up at a whim, and frankly the 407 users have been abused. They have been terribly abused, with tolls going up to where, in some cases, it started at four cents per kilometre and it's now 10.5 cents per kilometre in three years. The owners are just laughing all the way to the bank. This is probably, in the last three years, the best investment any corporation could have made. It's worth four times what they paid. It's worth more than \$3 billion, and their equity investment was \$750 million.

On the board of the 407 corporation is Mr Al Leach—and good for him. He probably is giving them excellent advice. He's knowledgeable in this area. He has probably helped to dramatically increase shareholder value. But the government has also appointed him to be on the GO Transit board. By the way, this wasn't some mysterious plot by Mr Harris. Mr Eves has agreed with it. He sent me a letter agreeing with the appointment.

So there's Mr Leach. As he sits on the 407 board, his goal is to increase shareholder value there, to drive the value up, and he and that board have been successful beyond their wildest imaginations. But now he's sitting on the board of GO Transit—by the way, he's the vice-chair—where every single decision of that corporation will have millions and millions of dollars of impact on the 407 corporation. Every time a GO decision means moving another car on to the 407, that's \$2,500 a year that the 407 corporation picks up.

In my opinion, the conflict could never be more obvious, but it's OK with this government. You can be on the 407 corporation, driving the value of that corporation

up, quadrupling it, and you can still sit over on GO Transit as the vice-chair, where every decision will impact by millions of dollars the 407 corporation. Those are the standards of this government.

It's an issue for me when I look at the appointments by the government of the people to the waterfront commission, three individuals who, again, are well regarded, but one of them is Mr Farlinger, the chairman of Ontario Power Generation, and he's there for a reason. As I say, he's experienced and well regarded. But he's also going to be put on this board—he's already on the board; he'll just continue on. Ontario Power Generation has a huge interest in the waterfront, with huge holdings down there, and they are, I understand from media reports, looking to invest in power generation down there.

My point is this: the government has no real guidelines for conflict of interest. I find the Leach one unacceptable. As I say, it has nothing to do with him as an individual but it has everything to do with him being put into a position where he can't wear both those hats. In my opinion, as long as those are acceptable standards, we're going to have other similar conflicts.

Interjection.

Mr Phillips: Mr Spina is defending the decision to have Mr Leach, and that's your right. It's quite all right, as far as Mr Spina is concerned, to have Mr Leach on the board of the 407 corporation, driving the value of it from \$750 million to \$3 billion in three years, and to sit on GO Transit's board, whose goal it is to reduce congestion. Every time he speaks at the board, I would be saying, "Whose hat is he wearing here?" The reason it's important is, again, on the waterfront revitalization, it's the government's appointees here. I think we have to set some new standards for conflict around here because the example that I have just quoted is unacceptable to our party and, I think, to the public.

I just want to close my remarks on the importance of Toronto revitalization. Toronto is struggling right now; make no mistake about it. One of the reasons they're struggling is downloading.

The government put out a document on the cost of downloading. The difference between the costs they put on to the city of Toronto and the costs that were moved was \$163 million a year. So they're struggling—nowhere more, in my opinion, than in our public school system.

I happen to have been on a school board for 11 years. I was chairman of the Scarborough school board in the mid-1970s and chairman of what was then called the Metro school board in the late 1970s—so in the mid-1970s I was the Scarborough chairman and then chairman of the Metro board in the late 1970s. All my experience there said to me that perhaps the most important reason why Toronto, of all the urban centres in North America, has been able to retain strong communities, particularly in the downtown core, when other major urban areas has not been able to do that, has been the strength of our public schools. Regardless of where you live in Toronto, you had in the past been assured that

your local school had the resources to provide a first-class, quality education.

1610

Any of us who take the time to visit the schools now and to talk with our educators and parents understand the challenges that our schools are facing. In my opinion it's going to result in the communities of Toronto being far less desirable places to live than they have been in the past. That can't continue. That has to be fixed.

So, as we look at the future of Toronto, I think it's fair to say that in the last several years Toronto unfortunately stood still at best while major urban areas across North America have been advancing. You've only got to look at the success that some of the major urban areas in the US have had. We can't stand still. If you stand still, you go backwards.

The waterfront bill is helpful and we will support it, but a lot more is going to have to be done to assist the city of Toronto to regain its momentum. It's partially resources, but it's partially an attitude, saying that Ontario depends on all communities being strong and we can't allow the city of Toronto to weaken. In my opinion, that's what's been happening. We see it in our schools, we see it in our infrastructure, we see it in social programs and we see it in the challenges that the city of Toronto is facing right now.

The harbourfront requires a couple of things: it requires an assurance that the planning is open to the public view and it's done in the open and that the people we all appoint to those boards are there without being put in any position of conflict.

Mr Tony Martin (Sault Ste Marie): The NDP caucus and this House supports provincial and federal action to redevelop Toronto's waterfront. We think that we should have been moving on it a long time ago. In particular, we support a vision of mixed-income housing, offices, public space and cultural facilities on the waterfront. I say that to highlight my next comment.

I don't think this government is interested in developing the waterfront. I don't think this government is interested in anything other than getting to the next election, doing whatever it takes to make sure they're successful at the next election so that they can continue to provide their friends and benefactors all kinds of advantage and profit that is at the expense of the rest of us in Ontario and the public good.

Here we have a piece of legislation that all three parties could support but agree that we need full and complete debate on. Speaking about a time allocation motion—I've said in jest here over the last four or five years that whenever I'm on duty, and it's usually a Wednesday afternoon, it's a time allocation motion. I can almost automatically assume that when I come in the House and it's Wednesday afternoon, it's another time allocation motion. Or, if I'm speaking to a time allocation motion, I don't have to look in my calendar to see what day it is—it's a Wednesday.

This government time allocates almost everything that it brings before the House, because it doesn't really

believe in democracy. It doesn't really believe in due process. It doesn't really believe in involving people in discussion about things that affect all of us very directly. It simply believes in driving an agenda that delivers a benefit to a very small and elite group in this jurisdiction. That's what we have here this afternoon.

This bill, as the member before indicated, was tabled in the House on December 11, 2001, and wasn't brought back to the Legislature until a couple of weeks ago when the House resumed in September.

We've had some seven and a half hours of debate now; that's about three days of debate in the Legislature on this very important bill. When you talk about developing waterfront, particularly in the city of Toronto, anybody who's looking at this or has been involved in any of this kind of activity has to understand that this is very serious public business. This is a huge undertaking and will have long-term ramifications that will affect absolutely everybody in the province.

We've had a sum total of some seven-and-a-half hours of discussion and debate on second reading on this bill and the government has now brought in time allocation, but people shouldn't be surprised because there isn't a piece of legislation that has been brought forward to this House since we came back on September 23 that hasn't now been time-allocated, which confirms for me, as I said in my opening comments, that this government is focused on nothing other than getting to an election, lining up the ducks, lining up the stars so there will be a positive result for them, and doing absolutely whatever it takes to get them there.

I would guess that this session of the House won't last the full time period that is allocated, that there are some housekeeping things the government needs to get done that it will then take and wave in front of everybody come an election and say, "Vote for me and we'll move on this."

The question people out there should be asking is, "Why didn't you move on it when you were government, when you had the opportunity, when you had the time?" December 11, 2001, is a long time ago. A lot of work could have been done between then and now had this government been serious about the redevelopment of the waterfront in this city.

But here we are, with another in a series of time allocation motions that indicate to me the government is railroading, is ramrodding stuff through this place at a speed we've not seen in my 12 years here that will in no way contribute to public understanding and support for the projects and initiatives that this bill represents and that actually deserve all our support.

If people were to take the time to look at each of the time allocation motions that come before this House, I think they'd be disappointed at best, shocked at worst, to see the kind of railroading that's going on. For example, it says here that "when Bill 151," which is what we're debating here this afternoon, "is next called as a government order, the Speaker shall put every question necessary"—in seven-and-a-half hours, it's done, it's

over—"to dispose of the second reading stage of the bill without further debate or amendment and at such time the bill shall be ordered referred to the standing committee on finance and economic affairs...." So it's over as far as public debate in this place is concerned, as far as anybody putting on the record thoughts on behalf of their constituents is concerned, as far as making amendments to this very important legislation is concerned. It's over.

Then it goes to committee. We're thankful that at least that is being considered. I don't think they could have got away with it otherwise. But in going to committee, it gets two days. Now people might say that's a long time, but in this place two days is about an hour and a half to a maximum of two-and-a-half hours a day, which is probably, at max, about five hours allocated to hearings, but also allocated for clause-by-clause consideration of the bill, which seriously reduces the amount of time we will actually have

Then it gets really bizarre and weird because it says here that on that committee, "That, no later than 4 pm on the day the committee is scheduled for clause-by-clause consideration, those amendments which have not yet been moved"—and let's understand here what we mean by this: amendments that are brought forward by the government, and apparently there is one amendment being considered, not amendments that are being brought forward by the opposition because they'll be automatically voted down—"shall be deemed to have been moved"—that means you don't even have to put them on the table, you don't have to move them; they will be deemed to have been moved—"and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill."

Without even putting them on the table, they will have been deemed to have been moved, without any debate or back-and-forth between the various constituents in this assembly. The question will be put without debate and that's it. We're done.

1620

"The committee shall be authorized to meet beyond its normal hour of adjournment until completion of clause-by-clause consideration." In other words, if they should happen to, because they haven't managed the time properly, go beyond 4 o'clock or the time allocated for that committee on that day, which is usually 6 o'clock here, then all the clause-by-clause consideration will be complete, but without any debate.

"Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a)."

Then once that's done and we've whipped this piece of legislation very quickly through committee—we've had this mockery of consideration of amendment, clause-by-clause and vote so that anybody who has been here and sat in on those wonders why they are there or why their valuable time is being taken up—it's brought back to the House for third reading. Then it goes on to say:

"That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed...." This is the second time that we come across this issue of being deemed to be passed by the committee. In other words, it doesn't have to be brought in here at all. If they skip a day or miss a day or for some reason or other have to wait a day, perhaps for a translation or whatever, the bill is "deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

"That, upon receiving the report of the standing committee on finance and economic affairs, the Speaker shall put the question for adoption of the report forthwith"—right away. No more debate; no debate after third reading.

Remember the process that this House works under when important public business is brought before it, and in this instance very important business which will see us moving aggressively forward to revitalize the Toronto waterfront.

It used to be in the old days—and that's seven years ago; not that far away, but it seems that far away often in this place—that you would bring a bill forward for first reading and it would usually be automatically passed. It would come to the floor of the House for second reading and then there would be extended debate where parties or individual members could, if they wanted to, bring forward amendments and place them on the floor and they would be debated as well. Once we were finished debating the amendments, we'd go back to the original bill again and would debate that until people were finished, until people had exhausted everything that they wanted to say on behalf of their constituents, on their own behalf and on behalf of their party on a particular bill, and then it would be voted on and would move out to committee.

I remember that when I first got here 12 years ago, when a piece of legislation was sent to committee, that committee then would sit down and decide how it was going to get the fullest input from all of the constituencies out there that had an interest in a particular bill. Travel: it would go from one end of the province to the other to make sure we didn't miss anybody, to make sure that the people of this province were involved in a meaningful and significant way in a democratic process in this place so that when we made decisions of public interest, everybody's fingerprints were all over it, and at the very least people could say, "I had an opportunity to participate, and either I did or I didn't."

Then after that fulsome input from constituencies out there and back and forth between the various opposition parties and the government, again another set of amendments would be tabled from everybody. There would be due consideration of those amendments. There would be debate and discussion about those amendments.

Those were the days when committees were meaningful in this place, when committees meant something, when people lined up to be on committees because they knew they could make a difference at committees.

That's just not the case any more. Committees are simply another way for this government to say, "Well, we did due process. We went to committee, we heard from people, and now here we are. There you go." No consideration or openness to amendments that would improve a piece of legislation going through this place; no consideration or concern.

You would think that after the experience of this government over the last seven years and the mistakes they have made that they've had to bring back in here and correct because they've rushed legislation through, they'd be anxious to hear from everybody and be challenged and listen to how some of these things will play out and be wanting to bring forward, in co-operation with the opposition, amendments that would make this legislation better.

But no, these folks across the way, the Conservative Party and government at the moment, think they have the answers to everything and that everything they do is correct, and if it's not correct, it was somebody else's fault and we'll bring it back and correct it tout de suite and move forward.

So the committees become a joke. You get two days. Those two days are taken up with clause-by-clause and voting. Then when it's brought back in here—in the old days, when a bill was duly processed and amendments voted on and people were satisfied they had something that warranted the support of the House or the support of the public out there, it would be brought forward then for third reading, where each party, government members, opposition members, had a chance then to put on the record some of their contributions so that people understood some of the debate that went on out there across the province, either support for or objection to the bill finally at third reading, so that the people of this province could be satisfied that public policy, public agenda, public initiative, legislation coming forward out of this place was in their best interests and got due process and would, when it played out, deliver what it is suggested it would deliver in the title of the bill.

You see this government being quite cute in the way they title bills that they bring forward before the House here only to find out later that in fact that the title was facetious or some other thing that the government thought was either funny or self-serving or politically a correct thing to do for them but really had nothing to do with the actual content of the bill and how we found it played out.

If we do due diligence, if we do participate in fulsome public process here as it was laid out that we would according to the rules and regulations of this place, that in fact at the end of the day is, in most instances, what happens. But that's not the case here. We have a government that, as I have said, has time-allocated every piece of business that is brought before the Legislature since

we returned on September 23, including this piece of work that we have before us here today, which is in its own right very important and something that we should be doing, that we should be spending significant time going over, making sure that all of the framework is in place that will support the very excellent intention that is there and those who will pick it up and run with it from here, but we know, and anybody out there who is politically tuned in or astute knows, that this government is not about developing the Toronto waterfront.

At this particular point in time, this government is about getting ready for an election, getting all the stars lined up, getting all the ducks in a row, getting stuff like this bill passed through the House here so they can wave it at people and say, "Look what we did. Aren't we wonderful? We're going to develop the Toronto waterfront for the people of Toronto and Ontario," when in fact we don't know whether they will do that or not, and if they do, at the end of the day, in whose best interests it will work out to be in.

We think it's about time that the government got on with this. They waited for two years after the announcement to then table the legislation on December 11, 2001, and now to have this very brief and limited debate reflects, I think, their commitment to this very important project.

We'll be watching as it plays out, and I suggest that others should watch as well in terms of both time and effort and actual money, to make sure public assets are not given away and that there is sufficient public accountability; that even though there wasn't much accountability in here in terms of debate on this bill, debate in committee on this bill, including people in the discussion about how it might move forward, as it moves forward out there and as the good people who will be appointed to the various positions of responsibility are held accountable to we, the public.

Our critic, Michael Prue, has put forward a comprehensive urban vision document himself on behalf of our caucus. If we were government, we would provide \$300 million per year for a fund for dynamic downtowns, not just for Toronto's downtown—we know that's important; it's the industrial heartland of the province—but for every downtown across this province. Every community we represent in this place should have an opportunity to tap into some money from the province to develop their downtown. This fund would help fund the waterfront project we have in front of us. It would help with the fix-up of heritage buildings, it would help with the clean-up of brownfield sites and a variety of other things to improve our city centres throughout the province.

1630

Our vision also involves affordable housing and an Ontario transportation trust fund to fund transit and roads, which is really important, where the ordinary man and woman working in places of work across this province will be affected and interested. We believe a big, significant portion of this waterfront development, and any downtown development across this province,

needs to include some affordable housing for people and transportation for those folks, so they can get to school and to work and participate in the communities where they live.

Our leader, Howard Hampton, as he looks forward to being the Premier of this province after the next election, brought forward a private member's bill himself called the Toronto Waterfront Fair Housing Act. We want to ensure affordable housing is part of this vision so that we aren't just building an enclave for the rich.

There was the inaction of this government, around the date a couple of weeks ago when they introduced this bill, around the evacuation of the most needy and poor of this city and province, the homeless people who were in tent city, and the way they were summarily dismissed and thrown off property owned by Home Depot so it could conceivably, once this development and revitalization starts, develop their property and make significant profit out of it. Absolutely no consideration whatsoever was given to what was going to happen to those people.

There was no indication by this government that it was going to move in tandem with that to work with Home Depot, the federal government or anybody else to make sure there was affordable housing on that waterfront, that these folks would be served and that all people who consider Toronto home will find a place on that waterfront that will be friendly, comfortable and supportive of them as they try to live, work or recreate.

I'll be turning over the rest of the time for our caucus on this to the member for Nickel Belt, who is also here on Wednesday afternoons to talk to these time allocation motions, the same as I have. She will of course have some interesting things to put on the record. I would encourage people out there to pay attention in, I'd say, probably about another half an hour to 40 minutes.

Ms Marilyn Mushinski (Scarborough Centre): I am pleased to rise today in support of the motion for time allocation on Bill 151, which is called the Toronto Waterfront Revitalization Corporation Act.

As my colleague from Lambton-Kent-Middlesex has already stated, I think it's important to know that this bill will, if passed, create a permanent Toronto Waterfront Revitalization Corporation, or TWRC for short.

With this new corporation, once it's up and running, the redevelopment and revitalization of Toronto's waterfront would, we believe, really begin to take off. It's something that's much needed. In fact, the revitalization of the waterfront area will mark a very important new phase for the city of Toronto.

As members know, the lands within the central waterfront area played an extremely vital role in the city's earlier economic development. The development and renewal of these lands will help to ensure that they play an equally vital role in the city's future.

I think if one analyzes the history of the great cities of the world—my colleague from Lambton-Kent-Middlesex alluded to these great cities of Sydney and Melbourne and New York, but there are other great cities. There's Paris and Venice, and all of them have a very interesting

history attached to them. I think it's interesting to compare the development of those waterfronts with the development of Toronto's waterfront to see what I believe forges greatness in cities.

At one time, Toronto's waterfront was the preferred location for numerous factories, warehouses and other retail, commercial and industrial concerns. As these enterprises evolved, they helped to pave the way for the prosperous city that we know today. Indeed, even before the city's industrialization, Toronto's earliest settlers arrived here by water. The city's earliest beginnings can be traced to the shore of the lake. In fact, Scarborough was so named because it was Lord Simcoe who spotted the bluffs when he was sailing up Lake Ontario and actually began to see the development of what now is a truly exciting and vibrant city.

In 1750, French fur traders established a post at the foot of Dufferin Street near the grounds of today's CNE. In 1787 Britain negotiated what's called the Toronto Purchase, which was the acquisition of a huge parcel of land that measured 14 miles along the lakeshore and about 30 miles to the north. It was in 1793 that John Graves Simcoe established Fort York, and not long after that his soldiers began the construction of Yonge Street, beginning at the shore of the lake. Toronto was incorporated as a city in 1834. Its name, of course, as most members of this House know, is taken from the aboriginal word for meeting place.

By historical standards, we know that Toronto is a fairly young city. But it's interesting to also note that in just 168 years, Toronto's reputation has spread, not just across this great nation of ours, Canada, but throughout North America and around the world. Its reputation is that of a successful, livable, vibrant city and one of the most multicultural centres in the world.

With the passage of Bill 151 and the creation of a permanent waterfront development corporation, this legislation has the opportunity to strengthen Ontario's capital city and make it what I believe to be a much more prosperous and successful one in the 21st century.

By way of background, the honourable members will be aware that the province has formed a partnership to revitalize the Toronto waterfront with two other levels of government: the government of Canada and the city of Toronto. Together, these three government partners have pledged to invest \$500 million each, for a total of \$1.5 billion in the city's future, something I think that the member for Scarborough-Agincourt should take note of, because that's a considerable investment. It's a great deal of money but it's also what we believe to be an appropriate amount of investment, considering the massive scale of the undertaking that we envision.

The proposed TWRC would have a mandate to oversee an estimated \$12 billion worth of redevelopment projects on the Toronto waterfront. Simply put, this is quite possibly the single largest project of its kind in Canadian history.

1640

As Mr Robert Fung, who chairs the interim waterfront corporation, has pointed out, we could be looking at a series of major projects that would include up to 10 million square feet of new commercial and industrial space, an amount equal to the floor space of five SkyDomes. We could also see a total of 500 acres of new parkland, up to 30,000 new permanent jobs and an estimated 194,000 person-years of employment during construction. We could see new homes for 68,000 people and \$100 million in new annual property tax revenue, based on current tax rates. We could see attractions that would bring an estimated two million additional visitors to Toronto each year, which would represent an increase of 10%, \$800 million in transit improvements and an additional 100,000 TTC trips per day, which would represent an 8% increase in overall TTC ridership.

To coordinate the public's considerable investment in these major projects, as well as the billions in private sector capital that we hope it would attract, we need a permanent waterfront revitalization corporation. That is the purpose of Bill 151 and that's the reason we need to get on with it.

The proposed legislation fulfills Ontario's pledge to show leadership on waterfront redevelopment issues, and the process begins with the creation of a permanent waterfront revitalization corporation. Our government attaches a high priority to getting this corporation up and running. Accordingly, we would like to see the bill approved by the Legislature before the end of this session. It makes sense to us.

I'd like to just take a few minutes to outline some of the important provisions that are actually contained in Bill 151. As I have said, the proposed legislation would establish the TWRC. That corporation would assume responsibility for the development of business plans, development strategies and implementing projects on the city's waterfront and it would encourage the use of innovative approaches in the way that these projects would be carried out.

Under the proposed legislation, the corporation would be empowered to leverage the initial investment provided by the three governments, with the goal of becoming financially self-sustaining and attracting private sector investment, something that we happen to think, contrary to some members on the other side of this House, to be a valuable thing.

The proposed bill would also ensure the new corporation's accountability by requiring the corporation to obtain approval from all three governments before borrowing funds, mortgaging its assets, generating revenues or establishing subsidiaries. I would suggest that that maximizes the whole accountability aspect of this particular bill, something that clearly members from the Liberal opposition have not read about in this bill.

The bill would give the corporation a mandate to encourage private sector involvement in waterfront projects. We believe, on this side of the House, in creating good partnerships. At the same time, it would ensure that

the corporation involves the public. That may be a strange notion to some members of the House on the opposition benches but it actually would involve the public in waterfront planning and development.

Bill 151 outlines the proposed corporation's purpose, powers and mandate and it gives the corporation a framework to guide it in matters of business planning, financial accountability and annual reporting. The bill would also provide the corporation with a board of directors of up to 13 members, comprising representative interests from the three government partners. If the legislation is passed by the Legislature, Robert Fung would be appointed to chair the permanent corporation.

Bill 151 is designed to ensure a smooth transition from the interim waterfront development corporation we have today to a permanent entity that will be active, we envision, for the next 20 to 25 years. However, the proposed legislation also includes a process for conducting a sunset review—another accountability measure, I might add—of the corporation and developing a wind-down plan once the TWRC has completed its mandate. The proposed legislation aims to balance corporate independence with the need for public accountability, and it is consistent with the major tenet of the governance model recommended by the report of the Toronto Waterfront Revitalization Task Force that was led by Robert Fung.

I will conclude by saying that I believe all the partners in this great enterprise are anxious to see this proposed legislation proclaimed so we can start implementing the projects that will lead, not only to a revitalized Toronto waterfront but what I consider to be one of the most exciting, vibrant cities in the world. I urge all members of the Legislature to take action with me here today by supporting the motion on Bill 151.

Mr David Caplan (Don Valley East): It's Wednesday, so it must be another time allocation motion. For viewers at home or in our galleries here, time allocation is just a fancy form of closing debate. It is language that says there will be more no debate and things will proceed further through committee, possibly, or on to third reading, even more so.

Before I get into my comments, I heard my colleague from the third party, the member from Sault Ste Marie, complain bitterly about time allocation. It was his House leader when he was in government, Dave Cooke, who introduced this section into the standing orders to allow a government to easily move time allocation, to choke off debate and to not allow members of the Ontario Legislative Assembly to be able to speak to bills like 151 or many of the others that are being time allocated. I thought it was important to put that on the record.

I've heard a number of government members—two today but also in earlier debate on Bill 151—say that there is an urgency about this, that we have to get on with the job. But as my colleague from Scarborough-Agincourt said, don't listen to what the Harris-Eves government says; look at what they do. The Fung report on the revitalization of Toronto's waterfront came out some two and a half to three years ago. The government

hemmed and hawed, made some very vague promises, made some very large promises—yet unfulfilled, I might add—and then about a year ago introduced this particular bill. Now they come to this House and say, "We need urgent passage of Bill 151." Their words say that, but their actions say something entirely different. For an entire year, almost, languishing on the order paper, we had Bill 151, and now government members say we have an urgent commitment to see this into law and to see the revitalization of Toronto's waterfront. It's a load of hogwash, Speaker, and you and I both know that. If it was so urgent to require time allocation, why weren't we debating this sooner?

I have heard from government members that we have a need to amend the bill, so once again it was rushed into the House without much thought, obviously, and we're going to have to spend valuable committee time correcting yet another sloppily drafted bill by the Harris-Eves government. I hope that in future, when a bill is this urgent, according to the government, it's going to be treated urgently and will be complete upon its presentation to the House.

1650

Bill 151, on the face of it, isn't a contentious bill. All members of this Legislature ought to be supportive of the revitalization, the rejuvenation, the redevelopment of Toronto's waterfront. We know the redevelopment is going to be critical to the growth of our capital city and to the evolution and maintenance of our status as a world-class city. What's a little bit hard to take, though, is the government lauding themselves for this bill as some kind of magnificent contribution to Toronto.

A key part to rejuvenating our city is the development of housing, especially the development of affordable housing. When we started debating Bill 151 a few short weeks ago, it was ironic that it was the very same day that tent city, down at the lakeshore, was dismantled with the assistance of the city of Toronto and the police department.

To hear the government speak about how they've spent so much money, about how they've made such a difference in the city—that just is not true. Where they could have made a difference, in fact they've been very harmful, especially when it comes to creating and supporting affordable housing.

The Harris-Eves government claims it does so much to help people who cannot afford basic items such as rent. I think the government should be ashamed of itself. In this debate we've heard about this so-called partnership between the federal, provincial and municipal levels of government, but in the case where the federal government has offered some \$250 million for the support and creation of affordable housing, is the Harris-Eves government willing to match it? No. They are going to put up less than 10% of what the federal government has committed. That shows you what the Harris-Eves government does when it comes to being a true partner with the federal government. When it goes for the city, we all know what provincial downloading has meant to the city of

Toronto. Even Erik Peters, the auditor for the province of Ontario, has said that downloading has cost the city of Toronto some \$140 million. So much for a partnership with the Harris-Eves government.

I'm embarrassed when I think about the way the government lauds itself and what their actions really are. How they think they can provide for the creation of adequate, affordable housing on the pittance they have offered as their share of a federal-provincial program is beyond me.

Let me clarify what tenants in Ontario, certainly in Toronto, in my riding of Don Valley East, are facing. Vacancy rates are at an all-time low. Rent increases are far beyond the rate of inflation. Evictions are being generated by the Ontario Rental Housing Tribunal at a record pace. Affordable accommodation is scarce, if not non-existent, in many of our communities across Ontario. To add insult to injury, the Harris-Eves government just raised the fees to ensure it was even more expensive for tenants to pursue an action against their landlord.

When you look at the bottom line of what people who are looking for much needed shelter are facing, what tenants are facing, the picture becomes even more disturbing. Study after study has shown that half of Ontario's tenants pay more than 30% of their gross household income on rent. The Ministry of Municipal Affairs and Housing says that its accepted level is 30% of combined gross household income. If more than half are paying above that threshold, what does that say about the failure of this government's policies? What does that say about the abdication of their responsibilities? It gets even worse. One out of every four tenants, 25%, pay more than 50% of their combined household income on their shelter costs. That's borderline with homelessness. That's the real crisis we have in housing in Ontario.

Those are the kind of issues the government should be addressing instead of this self-congratulatory comment we're hearing from the members from Scarborough Centre and Lambton-Kent-Middlesex. The problem is that tenants have been hit for the past several years with above-guideline increases for capital repair and utility costs. Currently, there are over 80,000 tenant households facing rent increases above the guideline, based on extraordinary utility costs alone. The problem, Speaker, as you well know, is that these increases are forever. There's no relief, even when a landlord's bills go down, as they have, or when they're paid off. I don't know how many people could afford an increase in their home ownership costs of 6% to 12% per year over the number of years, yet that is what thousands of Ontario tenants are facing here in the province today.

Of course, when I introduced a remedy to rectify this situation, government members sitting here today were more than pleased to vote against Bill 134, which would have rolled back those kinds of increases and prevented them from becoming permanent. In my opinion, it's yet another shameful exercise by the Harris-Eves government in their attack on people who are very vulnerable.

I'm pleased, Speaker, to let you and all members of the Legislature know that the Ontario Ombudsman has recently announced that he will be initiating his own inquiry into the matters and the way that rents are raised at the Ontario Rental Housing Tribunal. I look forward to that report, because I believe it will be another damning indictment of the Harris-Eves government. So it's interesting that one of the keys to revitalizing and rejuvenating our city is in the area of creating and supporting affordable housing.

The waterfront is also part of that. It is our front yard, so to speak, and many examples have been listed here today and on other days of governments—cities, provinces, states, federal governments—getting together to help spur, to help support revitalization. When that has happened, however, it is not because of some framework that is put in place or a waterfront revitalization corporation. No. What has motivated, what has ensured success has been true leadership.

I'm not a great fan of Margaret Thatcher. She certainly has a different view than I do. But she was down at the Canary Wharf redevelopment project every six months. She took an active interest in it. I don't think Premier Eves would ever go down there except to cut a ribbon or make some kind of announcement. I don't think there's that kind of leadership, that kind of drive, that kind of person in the provincial government today who would champion the waterfront being redeveloped.

So I see very much that you can put all the frameworks you want in place, and you can write all of the terms of reference you want, but until and unless there is that leadership role—and it should rightfully be by the Premier of the province. I know that when Dalton McGuinty is the Premier of the province of Ontario—and it cannot come too soon for my liking—we will in fact have that champion for waterfront redevelopment in the province.

It's interesting, when you look back, that \$500 million has been committed by the government in budgets dating back to the year 2000. How much of that money has been spent? How much has been committed or allocated or directed to any kind of meaningful project? Virtually nothing. Of course, you won't hear any government member tell you that. They'll tell you about their grand vision, they'll tell you about their commitment. But don't listen to their words, look at their actions.

I would note for you as well, Speaker, that while this conversation is taking place, while this inertia has set in, we've seen parts and parcels of the waterfront committed by the city of Toronto for such things as a movie sound stage. That may well be a worthwhile project, but it is a completely piecemeal approach to what should be a smart kind of redevelopment where it is thoughtfully, meticulously, effectively planned and executed, not a part and a parcel for one group. Then of course we have Mr Farlinger, chair of Ontario Power Generation Inc, or OPG as they call it, who is a member of the Toronto Waterfront Revitalization Corp, having an interest in

creating more generating capacity on the harbour lands as well.

1700

So as we can see, parts and parcels are being committed outside of a complete and comprehensive vision. It is this kind of piecemeal development which is going to be the bane of a good, planned, effective—and the new jewel for the city of Toronto and I would say a gateway for Canada's view on the world as well. It is not going to happen, because the Harris-Eves government has not shown the leadership, has not been a good partner in other endeavours with the federal government or municipal governments.

Real leadership, in my opinion, would have passed this bill months ago, years ago. You could have empowered the board to take some real action and not wait until we develop parking lots or condos or film studios. There is no planning authority without this bill. How about some real leadership when it comes to the disposition of provincial lands? How about some real leadership? Instead of building thousands of homes on the Oak Ridges moraine and issuing a minister's order, how about some real action on brownfields and some real money for transit?

Dalton McGuinty and the Ontario Liberals have offered some hope to municipalities and a real vision for liveable communities. I'm proud of the role that Dalton McGuinty has played, that our party has played, and I want to assure the people of Toronto, the people of Ontario, our partners at the municipal level of government and the federal level of government, that there is a leader in Ontario; it is Dalton McGuinty. You can be assured that Toronto's waterfront will be developed in a planned, managed and sustainable way.

Mr Peter Kormos (Niagara Centre): Another time allocation motion. Once again, this government shows its entire disregard for debate in this chamber, shows its disdain for not only the opposition but its own backbenches. Let me explain to you very clearly, the government is silencing its own backbenchers as much as it's silencing members of the opposition—it is—as it rams yet another bill through with but two days. What that means is two afternoons of hearings, let's make that perfectly clear, with perhaps as little as two hours each day.

In so-called clause-by-clause, take a look at what the time allocation motion says: that at 4 o'clock on the day that the committee shall hear clause-by-clause, every motion tabled shall be deemed to have been moved. No more debate, and then vote after vote after vote, and of course the majority of government members, following marching orders, will be whipped into shape, will be doing as they're told, won't be applying any thought whatsoever to what they're voting on. I predict they won't even have read the amendments.

Then, oh, but we have third reading? No. When the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment. That's nuts, it's undemocratic and it's the clear pattern that has been

established by this government. When I say it's a pattern—every bill is disposed of by way of time allocation.

I remember a time here, so does Ms McLeod, so does Ms Martel, when bills around which there was general agreement in principle would receive a day or two of debate and would then have healthy committee hearings, because the committee would be allowed to determine the length of those hearings based on the number of people who wanted to make representations to the committee. If committee hearings required only one day, they only took one day. But if there were sufficient persons out there in the community interested in commenting on the bill in an effort to critique the bill, to support the bill, perhaps to propose amendments that would make the bill a better piece of legislation, the committee took control of its own business and sat a few days longer. Then once amendments were moved and dealt with, the bill came back again for third reading and members of this Legislature would have an opportunity to debate that bill, to express their support or their opposition to that bill, as amended or as not amended. And that would happen in a relatively short period of time.

Of course, when matters that were far more contentious came before the Legislature, instead of but two afternoons of debate, there would be—yes, I acknowledge—four, five, six, seven, eight, nine, 10 days of debate, sometimes even more. But at the end of the day, I tell you, I'm confident that more legislation passed certainly with more thorough consideration when the House was permitted to have what is almost a self-regulating function because of the disinclination to use time allocation.

Is there a point in time where I would have to concede, notwithstanding that I'd never support the government's time allocation motion, that, yes, a time allocation motion—because you see, even before time allocation motions became part of the standing orders by virtue of presenting a notice of motion after a mere three days of debate on second reading, there was always the closure motion, where a member of this House could call upon the Speaker to determine whether or not there had been sufficient debate and whether or not any further debate would merely be dilatory. Yes, there were occasions where the Speaker held, not inappropriately, I have to agree, that yes, it was time to put the question, that the debate had been exhausted, that more than sufficient members of the chamber from all three parties had an opportunity to express views, that all the viewpoints had been canvassed and that any further debate wasn't going to serve any meaningful purpose. It's always been part of—oh, what's it called?—the common law, if you will, of this and other Parliaments.

My colleague the member for Nickel Belt, Ms Martel, is going to be speaking to this time allocation motion in just a few minutes. I pleaded with her for a chance to speak to it for the few minutes I've taken and she has been considerate enough to let me take the floor. But I am appalled—appalled—at the willingness of govern-

ment members to participate in this time allocation regime. I'm shocked that government members wouldn't be voting against these time allocation motions, because it means they won't have a chance to express their views on this or other pieces of legislation. I'm extremely disturbed that government backbenchers would allow themselves to be whipped into line so readily. Good grief, the cumulative salary over there—can we begin to speculate?—is quite a few hundreds of millions of dollars a year, and what we hear from them are the proverbial sounds of silence. I say to these government backbenchers, stand up, fight back. Speak up and speak out. Impress your constituents. Please your voters. Let them know that you're standing on your feet here at Queen's Park debating the issues that the government is putting forward in this legislative chamber.

Ms Shelley Martel (Nickel Belt): Let them know you're here.

Mr Kormos: Yes, as Ms Martel says, let your constituents know you're here. Let them know that life at Queen's Park is about more than blacking out hotel receipts and tabs picked up in upscale, elegant, tony restaurants. Let your constituents know that you're alive, alert, active and vocal. I'll bet you that folks watching this legislative channel are calling somebody's constituency office now, pleading for their Conservative backbench member to stand up and be heard in this chamber.

And what do I hear? Silence. I hear Tory backbenchers ready to support another time allocation motion, which means the denial of any further debate and, most importantly, the denial of debate at third reading, a time allocation motion that will permit at most four, maybe four and a half or five—certainly no more than five—hours of public submissions.

1710

If it were isolated to this one bill, perhaps my complaint wouldn't be as valid, certainly not as strong, but it has been a long time since a piece of legislation has worked its way through the process here without time allocation—and time allocation immediately. Third reading: no debate. Committee hearings: zip, none.

Why, opposition members have spent two days now prevailing upon the Attorney General to send Bill 181 to committee. The Liberal critic Bryant, myself, Liberal backbenchers speaking to the bill, New Democrats speaking to the bill have been calling upon this government and this Attorney General to please send its Bill 181 to committee. We have by now thousands of letters from people across this province who want to participate in that committee process. I'm not suggesting the committee process would be able to accommodate them all, but surely, in view of the willingness of people across this province to comment on the Attorney General's ill-conceived plan to install an inevitably expensive, inevitably bureaucratic US-style public defender system here in the province of Ontario, surely that's the sort of thing that warrants public hearings, public comment, public scrutiny.

I say to you, if the government is as confident in its legislative endeavours as it would say it is, it would be pleased to have the committee process be the route the bill travels before third reading; it would be pleased to have these bills withstand scrutiny; the Attorney General would be pleased to attend committee hearings and answer questions from members of that committee supporting his, the Attorney General's, US, bureaucratic, high-priced public defender system. One is hard pressed to understand why the Attorney General wouldn't want it. Why, it should be the Attorney General dragging the opposition members, kicking and screaming, into public hearings. The Attorney General should be saying, "No, I insist we have public hearings, because my bill is so good it'll withstand any scrutiny. My scheme to contract out blocks of files to single law firms is so sound," the Attorney General should be claiming, "that it'll withstand any scrutiny you can put it to. I don't care who you bring before the committee," the Attorney General should be saying, "by God, I'm going to put that bill before committee. I don't care if you bring the biggest, toppest dogs in North America, none of them can successfully critique or attack my Bill 181."

But no, the Attorney General, at the end of the day, ooh, he's going to hide behind a time allocation motion. He is. No committee hearings, no third reading debate. Yikes. That's not the tradition of Attorneys General in this province. I've been here long enough to see a few of them with the courage of their convictions. I've been here long enough to see a few Attorneys General who have presented bold ideas and who haven't been afraid to see them go through the committee process, knowing full well that the committee process can only make good legislation better but can expose bad legislation in the course of mere hours.

Why are we so intent on protecting bad legislation from committee scrutiny, from public scrutiny? And why are we so reluctant to expose good legislation, as the Attorney General would have it, or any number of ministers who sponsored their respective bills? This chamber is not some exclusive club where one sits back and reads one's National Post financial section. This chamber should be about debate. This chamber should be, sometimes, about prolonged debate. This chamber should be about criticism and critiquing. This chamber should be about the opportunity for every one of its 102 members—because of course one member is the Speaker, and by virtue of his role as Speaker, he's not permitted to participate in debate. This chamber should be about every one of those 102 MPPs who are permitted to speak to the issues so they can demonstrate that they understand them, so the constituents can know why they're supporting or not supporting them, and the debate should be sufficient enough and protracted enough so that every member of the public here in the province of Ontario understands what is or indeed what isn't going in here in the legislative chamber.

I'm compelled to end my remarks, because I have left but a few minutes for Ms Martel, and I apologize to her

for that. I do appreciate her indulgence in permitting me this time, because it's important that we condemn this practice of time allocation. It's important that those who have advocated have a chance, at some point in their legislative careers, to endure it, and it's important that those who have endured it, should they have the opportunity to form government, not continue to practise it. Unfortunately, too many lessons are far too hard-learned here or not learned at all.

I relinquish the floor so that Ms Martel from Nickel Belt can participate in this debate, as she has been eager to all afternoon.

Mr Ernie Hardeman (Oxford): I rise today in support of the motion for time allocation on Bill 151, the Toronto Waterfront Revitalization Act. Speaker, you will know that this bill was first introduced last December. All the members will recall that passage of the proposed legislation would create a permanent Toronto Waterfront Revitalization Corp, or the TWRC.

Since December, we've held a number of consultations with the two other funding partners, the city of Toronto and the federal government, on the amendments that were required to the bill to meet the needs of all three partners, who individually are committing a half-billion dollars each, which of course would be \$1.5 billion invested to upgrade the Toronto waterfront.

We're not reinventing the wheel here. A number of other successful projects on waterfront revitalization, including the London docklands, the Melbourne docklands and Battery Park City in New York, have taken place with similar governance models.

This new corporation will coordinate and look after public investment in waterfront development projects and help attract the billions of dollars' worth of private sector capital that will be needed to achieve our vision. This is not just \$1.5 billion, but many more dollars will be contributed by the private sector.

Under the proposed legislation, the Toronto Waterfront Revitalization Corp will be responsible for developing business strategies and implementing these projects. Bill 151 would provide the permanent TWRC with a framework to leverage the initial \$1.5-billion investment provided by the three governments. The goal of this measure is to allow the corporation to achieve financial self-sufficiency while encouraging it to forge new partnerships with the private sector.

I think it's important to stress that the three governments are not simply writing the waterfront corporation a blank cheque. While the corporation will have a mandate to encourage private sector involvement in its projects, it will also be obligated to ensure that the views of the public and its government partners are reflected in its plans.

1720

The proposed legislation and future agreements that will be developed under the legislation include specific provisions on how the TWRC must conduct its business. For example, Bill 151 includes provisions for future contribution agreements between the three levels of

government and the corporation, outlining the terms under which the governments will contribute assets and funding. Financial self-sufficiency and risk mitigation are key principles in the corporation's business plan. The usual powers of a corporation will apply, including the ability to issue debt, create subsidiaries, and acquire, sell and lease land. The bill also contains provisions for the distribution of the corporation's assets and liabilities at dissolution, subject to government approvals.

In short, the proposed legislation provides a broad outline of the corporation's purpose, powers and mandate. It also provides a framework to guide the corporation's future decisions in key areas such as business planning, financial accountability and annual reporting requirements.

The proposed legislation sets out the TWRC's corporate structure and provides for a 13-member board, with Robert Fung, who is presently the interim chair, to chair the board. In his view, Toronto has a golden opportunity to create a new economic model for the waterfront, a place where business and technology clusters can coalesce, fuse and prosper together to make this vision possible. We will need to build dynamic new live-work communities. Mr Fung has talked publicly about the vision of transforming a largely derelict part of the city into an innovative new working and living environment. This would be a place where people, homes and businesses are linked electronically, to university research facilities, for example, and to the rest of the world.

Such a community would be revolutionary in terms of Toronto's typical forms of development, and would have the potential to turn the city into a leading supplier of creativity and one of North America's key centres in the emerging knowledge economy.

Under the proposed legislation, this exciting vision, and the important task of transforming Toronto's waterfront, would be managed by the permanent TWRC. This is important legislation, and I believe it deserves unanimous support.

The redevelopment and renewal of Toronto's waterfront will usher in an important new period in our city's history. It will ensure that Ontario's capital city continues to be called The City That Works throughout the 21st century. It will rival such places as London, Paris, Rome, New York, Chicago and Los Angeles as one of the best places in the world to invest, work and raise a family.

Many of those new people will be drawn to Toronto, to the new jobs, the outstanding cultural attractions and the safe neighbourhoods that have played such an important role in the city's past success.

Over the next 25 years, the growth we are expecting in the GTA will represent a significant challenge. There is no doubt that Toronto will need new infrastructure to accommodate its growing population, from roads to public transit to water and sewage treatment facilities.

As the GTA and the city continue to grow, our challenge will be to practise the principles of Ontario's Smart Growth initiative: to build strong communities while maintaining a competitive economy and a safe, healthy

environment. Through Smart Growth, we can manage Ontario's growing population and economy in a sustainable manner, and we can do so while avoiding urban sprawl and the destruction of valuable farm and recreational land.

The revitalization of Toronto's waterfront also represents an outstanding opportunity for Smart Growth as well as incorporating Ontario's brownfields redevelopment initiative. This will enable us to transform derelict and contaminated land into more productive uses.

Renewal of Toronto's waterfront lands will strengthen the city and make its economy, and the economies of Ontario and Canada, more vibrant and competitive in the 21st century. The passage of Bill 151 will help achieve those goals.

I ask my honourable colleagues to join me today in voting to implement this vision of a stronger, more robust Toronto and a brighter future for both the city and the province by supporting the bill that is before us, Bill 151, to revitalize the waterfront in downtown Toronto, the capital city of Ontario and hopefully in the future the capital city of the world.

Mr Joseph Cordiano (York South-Weston): I'm happy once again to comment on this bill, although we are never happy when the government attempts to stifle debate. God knows there's never enough debate around government bills in this House.

We obviously support this initiative. Many of my colleagues have suggested that this is of vital importance to the city of Toronto. I would share in those comments and that sentiment. It is absolutely critical for the city of Toronto to be revitalized. The waterfront agency that is being proposed to be created by this legislation is certainly important, but I would say this: the government allocated half a billion dollars to revitalizing the waterfront. It announced this allocation of funding, this half-billion dollars, in its year 2000 budget, two and a half years ago. Yet none of that money has been spent. Nothing has happened.

So this is long overdue. If this bill initiates and actually speeds up the process for getting the waterfront redevelopment project going, then our hat is off to the government. But it has not happened. Of course, on the eve of an election that this government is anticipating certainly within the next six to 12 months, the government is obviously looking after tidying up all the loose ends that it is leaving around.

I do not want to be that cynical, but I believe this initiative, the waterfront redevelopment for the city of Toronto, is critical to the future of Toronto given what has happened over the recent past, and I'm going to get to that in a moment. But let me just say that recently we've discovered that Toronto as a destination point for tourists is no longer the city of choice. Tourism is way down for the city of Toronto. Tourism is a huge industry employing literally thousands upon thousands of people. I believe the figure is huge. Somewhere in the neighbourhood of 87,000 people are employed by the tourism industry directly, and there are many thousands who are

employed indirectly. But let's just say that it is of vital importance to the city of Toronto. Revitalizing the waterfront could once again bring Toronto to the forefront in terms of tourism as a destination point. It is crucial for the city.

The city of Toronto is hurting right now. The city of Toronto is hurting on a number of fronts. The down-loading that this city has had to suffer as a result of this government's lack of concern for the city of Toronto is causing the city to cut back and to deal with the shortfall in funding for a variety of important areas. The city is also hurting with respect to the lack of infrastructure spending. That's a theme that I will come back to again and again.

Recently there was an economic report by the Toronto-Dominion Bank. It clearly showed that the GTA is a huge generator of wealth for this country, responsible for at least one fifth of gross domestic product. Some 18% of the nation's population lives here, and obviously it's the engine of economic growth for the entire country, let alone the province. We need to ensure that the city of Toronto is not only viable but is achieving success on a world scale. Toronto is a city that is going to compete with other city centres not just in North America, but around the world. But as far as comparisons go, looking at the rest of the North American landscape, particularly as it pertains to the United States, we are falling behind.

This report clearly showed that the city of Toronto is 13th out of 16 jurisdictions in terms of competitiveness. One of the areas that the TD economics report pointed out as being of real concern is the fact that we're falling behind in terms of income growth. I want to quote what was said by the report. This is a direct quote. "Despite reasonably strong population, employment and output growth, incomes in the GTA have been falling further behind those in the United States, opening a 30% gap." A 30% gap is huge. Income levels in the Toronto area are at about US\$25,000, versus an average of US\$35,000 south of the border. That is a real wage gap, and there are a variety of reasons for that. One has to do with the weak productivity performance compared to other cities that we compete with in the United States, but this report points directly at the lack of infrastructure in the GTA area as being a critical reason as to why we're falling behind in terms of competitiveness.

1730

So we come back to the whole question of the waterfront and why it's important for this government to fund that initiative and to move ahead as quickly as possible. But let me say, as regards SuperBuild, the government's much-touted initiative to build infrastructure, that I have pointed out in the past that in order for it to work properly, it needs greater accountability and transparency. This government suggests that \$13 billion to date has been committed to SuperBuild initiatives, \$13.1 billion, to be exact. I have asked the government to be accountable for that money in terms of the breakdown between public funds and private dollars so that we can ascertain whether SuperBuild is working properly. SuperBuild is

designed so that you take public dollars and private dollars and you leverage the private dollars so you can get more infrastructure built. As it turns out, we do not to this day have an accounting for what private dollars have actually been committed toward SuperBuild initiatives. We know that \$13.1 billion has been committed overall, but we don't know the breakdown as to the amount of private funding that has been put in place. We also don't have audited statements that SuperBuild is to provide as an agency to this Legislative Assembly. We don't have a breakdown for that.

As we've pointed out in the past, if we're going to move forward with these sorts of public-private partnerships, 3Ps, so-called, then we need to develop a model. This government has yet to bring forward a model for transparency and accountability when it comes to dealing with 3Ps kinds of initiatives.

If we are to use the 407 as an example of what's to come, then I say every taxpayer ought to be extremely concerned about the future as it pertains to infrastructure expenditures and the privatization initiatives of this government dealing with the private sector. The sale of the 407 was nothing but a taxpayer rip-off: \$3.1 billion was the price tag for the sale of the 407, but guess what? Any expert we've talked to puts the value of that sale at at least \$10 billion, and some have said it should have been \$12 billion. Since the time the 407 was sold, there have been at least three toll increases. The rates for using the highway, the toll rates, have gone up astronomically. It is a licence to print money for the owners of the 407. So I say to you that the taxpayers did not get good value for the sale of the 407. It should never have been sold for that discounted price.

Now, if we are to move forward, and the private sector certainly has a role to play on the waterfront, has a role to play in developing infrastructure in the future, I say to the government that you're not being accountable, you're not being transparent. There isn't a way for the public to know if in fact it isn't getting ripped off. As I speak, there has yet to be an accounting for what SuperBuild is undertaking in terms of its projects and the type of private sector involvement. We do not have a breakdown of public versus private sector dollars. That, I think, is a real tragedy in this assembly because we're talking about billions of dollars being expended. It's not thousands of dollars, it's not hundreds of dollars; we're talking about billions of dollars being committed by this government, and yet we have no accounting for that.

I would encourage the government to look at what's required. Infrastructure is of critical importance to the vitality and growth of this economic engine we call the GTA. The inner city is where the waterfront lies. The waterfront is vital. There are brownfields down there. There is undeveloped land. Ataritari was a huge tract of land. That needs to be redeveloped. That should also be included for consideration in the future in terms of revitalizing and re-igniting the economic vitality of this city.

We need job creation. Many more people are coming to live in the GTA, but the inner city overall is losing. According to the TD economics report, there is a trend for out-migration of companies and high-paying jobs to the regions surrounding the city of Toronto. That's a worrisome trend, as pointed out by this report.

Infrastructure is dilapidating in the city. The city needs greater infrastructure expenditures to be made. The city itself cannot fund these infrastructure initiatives. There must be leadership from the provincial government to ensure we have the proper infrastructure for growth to take place. Only governments can make these kinds of investments over a long period of time, and it's incumbent upon this provincial level of government to show leadership on this front. The city of Toronto desperately needs that infrastructure. Without it, we risk losing more businesses to the suburbs; we risk losing more high-paying jobs to the regions around the Toronto area.

So I would say to the government, we need to get on with this initiative along with other initiatives, but we need greater accountability, greater transparency. The sale of the 407 is a stark example of what can go wrong and of how the taxpayers can be completely ripped off. We lost at least \$7 billion the taxpayers should have had in the coffers of the treasury of this province from the sale of the 407. It was a mistake to sell it in the first place. I did not agree with the sale of the 407. It should have remained in public hands. An asset that is generating that kind of revenue should never have been sold into private hands. It's one thing to have the private sector build infrastructure to bring about private sector efficiencies, but it's quite another to give up to the private sector a huge bonanza, a windfall the likes of which has never been seen in this province.

Billions and billions of dollars that should have accrued to the public coffers of this province were simply given away. That's happening on other fronts as well. I say to this government that we need a financial model that will work, that is transparent, that is accountable and that brings value for the taxpayer dollar. Short of that, we have some concerns about proceeding. With this agency that's being created, my colleague from Scarborough-Agincourt pointed out there is the risk of an apparent conflict of interest that would take place, and I believe this government needs to be more accountable for its actions.

1740

Ms Martel: It's a pleasure to participate in this debate. It's Wednesday and it's time allocation day. I say that because I normally have House duty on Wednesday and I can't remember the last time this House was sitting on a Wednesday that we didn't have a time allocation motion. I suspect you could go back 18 months or two years and you would see very clearly that the government has been up to this on Wednesdays. I think there was one again yesterday. Now it's becoming Monday. It's becoming very routine that the way we deal with business now is not to have full and open and honest debate, but to have every piece of legislation introduced by the

government quickly followed by a time allocation motion.

My colleague from Niagara Centre spoke at some length about the motion itself and his concern that it also doesn't allow for government members to participate in the debate and let their constituents know they're here. I was actually surprised the time allocation motion is allowing some time for committee. If you look at some of the motions we've been dealing with, most of those aren't allowing much, if any, time in committee, perhaps an afternoon, perhaps half an afternoon. There certainly is every attempt on the part of the government not to have amendments moved either. I suspect the reason there will be some amendments put in this case is because the government has its own amendments to move and so has to allot itself some time to deal with that process.

Mr Kormos: Did they screw up?

Ms Martel: I wouldn't want to say that, I say to my colleague from Welland-Thorold, but I suspect they have some changes to make.

One of the changes I proposed when I spoke to this bill on second reading on September 25 was one that it appeared the Minister of Finance might actually accept. I want to point out this concern. It came from comments that were made by my colleague Michael Prue when the bill was introduced on December 11, 2001. He said in his remarks on the statement made by the minister at the introduction of this bill that he was concerned there seemed to be no reference to the city of Toronto's official plan in this bill and to how the official plan was to be followed, and whether they were to be paramount and to be followed in terms of the development that goes on at the waterfront.

I raised that issue during my remarks on September 25 and seemed to get an assurance from Mrs Ecker that the government would consider this. She said, "I'd like to thank the honourable colleague from the third party for her suggestion on that amendment. We'll take that back and take a look at it."

I hope she does because at the same time she was saying that, her colleague Mr Stockwell, sitting not far from her on that day, was trying to say that it goes without saying that that's what the bill says, that it goes without saying that of course redevelopment down at the waterfront is going to take into account the city of Toronto's official plan. It doesn't go without saying because it's not in the bill. The government should clarify that position. The government should use the time it has in committee to bring that amendment forward. I hope Madam Ecker will have the Minister of Housing bring that forward and have that done.

I want to repeat some of the concerns I raised on behalf of the New Democrats on second reading. I do so because I heard the government members, again this afternoon, produce a lot of rhetoric around accountability and transparency. In particular the member from Scarborough, but other members as well, talked a great deal about accountability, and went through the mechanisms

in this bill that provide accountability. I'm going to challenge the government, because this bill is going to committee, to put your money where your mouth is and demonstrate some accountability with respect to this bill, because you can do it and should do it in three areas in this bill.

The first has to do with section 2(3) of the bill, where the corporation itself is "deemed not to be a crown agency within the meaning of the Crown Agency Act." That means the corporation now falls outside the provisions of the Freedom of Information and Protection of Privacy Act, both the provincial statute and the municipal statute. I don't see a reason for that to occur. I think it leaves people with the sense that the corporation has something to hide, that the corporation has information it doesn't want to share, that the corporation has information it doesn't want to provide to the public, despite the important job it's going to do and despite the massive public investment of funds that it's going to have to do the job.

So if the government really is concerned about accountability and they're not just giving us a lot of rhetoric this afternoon, then I challenge the government to make a change, to repeal that section so that the corporation will in fact be covered by the provisions of the Freedom of Information and Protection of Privacy Act. I think that's one thing the government should do.

Second, with respect to the preparation of business plans, if you look on page 5 of the bill, section 8, the business plan process is quite extensive. The business plan must include a number of details:

"1. A description of the major activities and objectives of the corporation for the year and for following years.

"2. A description of the policies and strategies of the corporation to achieve these objectives.

"3. A description of the budget of the corporation for achieving those objectives.

"4. A description of the portions of the designated waterfront area that the corporation plans to develop during that year, the estimated cost of doing so and the funding options available."

Those are pretty important detailed items to be listed in the business plan, yet it's interesting that nowhere in the bill is there a provision for that business plan to be made available for the public. The annual report has to be made available, but there seems to be no provision in the bill for that business plan of the corporation, which really is at the heart of all their operation, at the heart of the work they're going to do, to have those details made available to the public.

I say to the government, if you're interested in transparency, if you're interested in being accountable, put an amendment into the bill that makes it very clear all members of the public have an ability to get all the details of the business plan.

The third area has to do with public meetings. There is no requirement in the bill that I can see for the corporation to hold open meetings, as city agencies are now required to do. I think that's wrong; I think that needs to

be changed. I think there should be no public perception whatsoever that there might be something going on in secret, behind closed doors, in camera etc, with respect to the corporation. As I said earlier, they have a major responsibility, they will have major funding to undertake their responsibility, and their work, their budget and their meetings should be held in public.

What the bill lacks is a very serious reference to the creation of affordable housing down at the waterfront. The Toronto waterfront just can't become the purview, the domain of the rich and famous and fabulous. This city has an enormous crisis with respect to affordable housing that this government has done nothing to address. Frankly, in some of their legislation, like their rent decontrol legislation, the government has really exacerbated the situation with respect to housing. We have so many people who cannot afford their rent; it's 50%, 60% of the income they bring in. The level of homelessness is going up, and we know more and more seniors are having to use food banks. I think that's a direct result of very high rents and an inability of people to find affordable housing. This government should use this legislation to clearly point out that the waterfront will be a centre where there will be affordable housing, and the government should not only put that in legislation, it should provide the funding necessary to make that happen.

The Acting Speaker: Further debate? There being none, Mr Turnbull has moved government notice of motion number 43.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1747 to 1757.

The Acting Speaker: All those in favour of the motion will rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Gilchrist, Steve	Newman, Dan
Baird, John R.	Gill, Raminder	O'Toole, John
Barrett, Toby	Guzzo, Garry J.	Ouellette, Jerry J.
Beaubien, Marcel	Hardeman, Emile	Runciman, Robert W.
Chudleigh, Ted	Hastings, John	Sampson, Rob
Clark, Brad	Hodgson, Chris	Spina, Joseph
Clement, Tony	Hudak, Tim	Sterling, Norman W.
Coburn, Brian	Johns, Helen	Stewart, R. Gary
Cunningham, Dianne	Martiniuk, Gerry	Tascona, Joseph N.
Dunlop, Garfield	Maves, Bart	Tsubouchi, David H.
Ecker, Janet	Mazzilli, Frank	Turnbull, David
Elliott, Brenda	McDonald, AL	Wilson, Jim
Flaherty, Jim	Miller, Norm	Wood, Bob
Galt, Doug	Mushinski, Marilyn	Young, David

The Acting Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Cordiano, Joseph	McMeekin, Ted
Bartolucci, Rick	Crozier, Bruce	Parsons, Emile
Bisson, Gilles	Duncan, Dwight	Peters, Steve
Bradley, James J.	Gerretsen, John	Phillips, Gerry
Bryant, Michael	Kormos, Peter	Prue, Michael
Caplan, David	Kwinter, Monte	Pupatello, Sandra
Cleary, John C.	Martel, Shelley	Ramsay, David
Colle, Mike	Martin, Tony	Smitherman, George
Conway, Sean G.	McGuinty, Dalton	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 42; the nays are 26.

The Acting Speaker: I declare the motion carried.

It being after 6 of the clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1800.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

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Ancaster-Dundas-Flamborough-Aldershot	McMeekin, Ted (L)		
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Halton	Chudleigh, Ted (PC)
Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Agostino, Dominic (L)
Bramalea-Gore-Malton-Springdale	Gill, Raminder (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
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Cambridge	Martiniuk, Gerry (PC)		
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Davenport	Ruprecht, Tony (L)	Kitchener Centre / -Centre	Wetlaufer, Wayne (PC)
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		Mississauga West / -Ouest	Snobelen, John (PC)

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Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	McDonald, AL (PC)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
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		York West / -Ouest	Cordiano, Joseph (L)
			Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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McMeekin, Bill Murdoch, Wayne Wettlaufer
Clerk / Greffier: Katch Koch

CONTENTS

Wednesday 16 October 2002

MEMBERS' STATEMENTS

Crop insurance	
Mr Peters	2119
Children's aid societies	
Mr Barrett	2119
Macular degeneration	
Mr Gerretsen	2119
Kyoto Protocol	
Mr Gill	2120
Highway improvement	
Mr Gravelle	2120
Hospital funding	
Ms Martel	2120
Clean Water Project	
Mr Wood	2121
Doctor shortage	
Mrs Bountrogianni	2121
Events in Nipissing	
Mr McDonald	2121
Violence against women	
Mrs Boyer	2122

REPORTS BY COMMITTEES

Standing committee on government agencies	
The Deputy Speaker	2122
Report deemed adopted	2122

FIRST READINGS

Stalkers Registry Act, 2002, Bill 190, <i>Mr Bartolucci</i>	
Agreed to	2122
Mr Bartolucci	2122
Highway Traffic Amendment Act (Emergency Vehicle Safety), 2002, <i>Bill 191, Mr Runciman</i>	
Agreed to	2123

MOTIONS

Private members' public business	
Mr Stockwell	2123
Agreed to	2123

STATEMENTS BY THE MINISTRY AND RESPONSES

Emergency vehicle safety	
Mr Runciman	2123
Mr Bryant	2123
Mr Bartolucci	2124
Mr Kormos	2124

ORAL QUESTIONS

Hydro rates	
Mr Bryant	2125
Mr Eves	2125
Government appointments	
Mr Duncan	2126
Mr Eves	2126
Competitive electricity market	
Mr Hampton	2127
Mr Eves	2127
Agricultural labour policy	
Mr Hampton	2128
Mrs Johns	2128
Minister's expenses	
Mrs Pupatello	2128
Mr Eves	2128
Alternative fuels	
Mr Miller	2129
Mr Baird	2129
Hamilton incinerator	
Mr Agostino	2129
Mr Stockwell	2129
Queen Elizabeth II Aiming for the Top Scholarships	
Mr Dunlop	2130
Mrs Cunningham	2130

Long-term care	
Ms Martel	2131
Mr Newman	2131, 2132
Ms Mushinski	2132

Kyoto Protocol	
Mr Bradley	2131
Mr Eves	2132

Ethanol project	
Mr Cleary	2133
Mr Baird	2133

Oak Ridges moraine	
Mrs Munro	2133
Mr Hodgson	2133

Highway maintenance	
Mr Hampton	2134
Mr Sterling	2134
Mr Bisson	2134

Macular degeneration	
Mr Parsons	2135
Mr Clement	2135

PETITIONS

Highway 69	
Mr Bartolucci	2135
School closures	
Mr Barrett	2135, 2136
Long-term care	
Mr Crozier	2136
Mr Cleary	2137
Mr Gravelle	2138

Community health care centres

Mr Beaubien	2136
-------------------	------

Education funding

Mrs Dombrowsky	2136
----------------------	------

School bus safety

Mr Hoy	2136
--------------	------

Natural gas rates

Mr Gravelle	2137
Mr Hoy	2138

Water extraction

Mrs Dombrowsky	2137
----------------------	------

GOVERNMENT MOTIONS

Time allocation, government notice

of motion number 43, <i>Mr Stockwell</i>	
Mr Turnbull	2138
Mr Beaubien	2139
Mr Phillips	2142
Mr Martin	2143
Ms Mushinski	2146
Mr Caplan	2148
Mr Kormos	2150
Mr Hardeman	2152
Mr Cordiano	2153
Ms Martel	2154
Agreed to	2156

OTHER BUSINESS

Visitors

Mr Turnbull	2121
Mr O'Toole	2122

Member's comments

Mr Guzzo	2135
The Deputy Speaker	2135

TABLE DES MATIÈRES

Mercredi 16 octobre 2002

DÉCLARATIONS DES DÉPUTÉS

Violence faite aux femmes

M ^{me} Boyer	2122
-----------------------------	------

PREMIÈRE LECTURE

Loi de 2002 sur le registre des harceleurs, projet de loi 190,
M. Bartolucci

Adoptée	2122
---------------	------

Loi de 2002 modifiant le Code de la route (sécurité des véhicules de secours, projet de loi 191,
M. Runciman
Adoptée

2123

CA20N

X1

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Government
Publications



No. 43B

N° 43B

ISSN 1180-2987

Legislative Assembly
of Ontario

Third Session, 37th Parliament

Assemblée législative
de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Wednesday 16 October 2002

Mercredi 16 octobre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 16 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 16 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

GOVERNMENT EFFICIENCY ACT, 2002

LOI DE 2002 SUR L'EFFICIENCE DU GOUVERNEMENT

Mr Turnbull moved second reading of the following bill:

Bill 179, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act / *Projet de loi 179, Loi visant à favoriser l'efficacité du gouvernement et à améliorer les services aux contribuables en modifiant ou en abrogeant certaines lois et en édictant une nouvelle loi.*

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): I will be splitting my time with the member for Brampton Centre and the member for Scarborough East.

It's my pleasure to open debate on Bill 179, the Government Efficiency Act, 2002, in my capacity as Associate Minister of Enterprise, Opportunity and Innovation. The mandate of the Ministry of Enterprise, Opportunity and Innovation is to ensure Ontario's continued economic growth. This bill will help keep us on that path. It makes economic sense that any time you can cut red tape, streamline and make government more efficient and effective, it helps Ontarians prosper.

This bill is important for a number of reasons. It would repeal 15 outdated acts and amend nearly 90 others. Since 1995, our government has already repealed more than 57 outdated acts, amended more than 200 acts and eliminated more than 1,900 unnecessary regulations. That's an excellent start, but there is much, much more to be done. In fact, we've just concluded a very successful international conference on Red Tape to Smart Tape. It was an opportunity to discuss future directions for regulatory reform and removing barriers to growth. The conference brought together over 280 delegates from public and private sector institutions representing countries from around the globe. The Minister of Commerce from New Zealand, a member of the Scottish Parliament and the Secretary of the Interior for the state of Florida are just a few examples. Clearly, we're not the only ones who

recognize the connection between good government and smart, sound and efficient regulation.

We know this bill is important, because it will result in better services for Ontarians, it will result in greater efficiency for Ontario and it will modernize many outdated or even obsolete regulations and bring legislation into the 21st century. Equally as important, Bill 179 will also provide increased protection for the people of Ontario. This bill will allow protection for motorists and passengers alike who use Ontario roads. The use of reconditioned air bags being sold or installed in vehicles has been linked with serious injuries. The Ministry of Transportation would use this bill to prohibit the sale and installation of rebuilt airbags in Ontario. This amendment would protect drivers and passengers from the potential hazards that have been associated with rebuilt airbags.

But there are other measures that offer Ontarians important protections in different areas. For example, the Ministry of Consumer and Business Services would use Bill 179 to amend the Consumer Protection Act in two essential ways. The first amendment would prohibit a creditor from charging a debtor for telephone, telegram and other forms of communications costs incurred in the collection of a debt. This amendment would harmonize with the collection practices recommended in other provinces and territories. In many instances, it would prevent consumers from escalating charges that are beyond their control. The second amendment would prohibit any waiver or release of rights or benefits under the Consumer Protection Act. This would ensure that the rights of consumers under the legislation are safeguarded. It would also ensure that consumers could not be coerced into abandoning their statutory protections. It offers protection to those who need it most.

1850

Another example of Bill 179 offering protections and safeguards is an amendment by the Ministry of Natural Resources. The ministry would use Bill 179 to amend the Public Lands Act. It would clarify the ability of the court to order that a person convicted of doing work on land without a permit must rehabilitate the site in an appropriate manner. This would help ensure that land uses are consistent with the intention of the legislation and that people who violate that intention are made accountable.

Bill 179 will also protect Ontarians in the area of health care. The integrity of our health care system must be protected. The amendments in this bill would offer this assistance. For example, amendments will be made to better deter fraud and go after those who abuse our

public health system. The changes include significantly stiffer penalties and a clarification that courts can impose orders that require compensation and/or restitution.

Ontarians should be able to expect a safe environment in their daily lives. We are determined that they should not have to live in fear of violence. We've all seen the tragic stories that have resulted from domestic violence. We all must do everything we can to prevent it. Our government is using this bill to strengthen our commitment to addressing domestic violence by supporting victims and holding abusers accountable. The Domestic Violence Protection Act would be amended to help ensure that it is implemented as quickly and effectively as possible.

Bill 179 will extend protections and safeguards for Ontarians, enable ministries to streamline their operations and modernize outdated regulations. All of these are worthy goals for a modern, healthy, thriving society.

Finally, the more efficient and effective Ontario is, the fewer barriers business will have to making Ontario more attractive for investment. I am well aware that the international business community looks for efficient and effective ways to do business when they look for places to invest. We need to ensure that Ontario is always on their short list. We have an opportunity here to pass legislation that will benefit all Ontarians. We should not miss that opportunity, and I do hope that my colleagues across the floor will see the wisdom of supporting this.

Mr Joseph Spina (Brampton Centre): Bill 179, the Government Efficiency Act, 2002, demonstrates the government of Ontario's ongoing commitment to good, efficient and modern government. If passed, this bill will be the 15th government efficiency and/or red tape reduction bill passed since 1995. We're extremely proud of the fact that we have created a Red Tape Commission that reduces or eliminates red tape in the province of Ontario.

We are very proud of the legacy of this commission, because it has become, as the minister indicated at the recent Red Tape to Smart Tape conference, an example around the world of how governments can function in a far more efficient manner.

Mr John Gerretsen (Kingston and the Islands): Outside of Canada they've never even heard of this.

Mr Spina: I beg to differ with the member in the opposition. The reality is that there were 300 delegates at this conference, and the minister clearly indicated to you that people were here from Australia, Africa, Europe—

Interjections.

The Acting Speaker (Mr Michael A. Brown): Order. The member for Brampton Centre has the floor. He's the only one who has the floor. Other members will not interrupt him, or I will interrupt them.

Mr Spina: Thank you, Speaker. It's wonderful when you have the ability to have the attention of the audience. I appreciate that members of the opposition have the chance to hear what I have to say, as well as other members, as we should appreciate what they have to say when their turn comes forward.

This bill contains in excess of 400 housekeeping amendments that will help to clarify, streamline and modernize dozen of acts on behalf of 15 different ministries. From time to time, everyone needs to do a little housecleaning, in government as well as in opposition; nevertheless, as we look at it, it is housecleaning of government in general. This bill is an efficient and effective way for government to do some of that legislative housekeeping. This bill allows Ontario to tune up its legislation and ensure that our statutes meet the needs of Ontarians today, that our laws accurately reflect the changing needs of society and are consistent with shifting economic circumstances and technological development.

Some of the amendments in this bill before the House will ensure that the people of Ontario will get better service from their government while others will help the justice system function better, for example. This bill, if passed, will do these things and more.

Interjection.

Mr Spina: I would be pleased to address some of the issues around the justice system, the member from—

Mr David Caplan (Don Valley East): Don Valley East.

Mr Spina: Don Valley East. Thank you, Mr Caplan. Let's look at an example or two of the way in which Bill 179 will improve the Ontario justice system.

Firstly, the Provincial Offences Act will be amended to allow bail hearings in certain circumstances to be held by means of audio or video technology and allow search warrants to be issued by fax—of course, where the judge or the justice of the peace is convinced that the search warrant ought to be issued. Therefore, it is of great help, for example, in more rural areas where the access to a member of the judiciary is not as easily obtained.

Particularly, Speaker, I know, for example, in your own home area of Manitoulin Island, if something was to happen in a remote part of the island and they needed to get a search warrant based out of perhaps Gore Bay or the Espanola detachment through the OPP, they would be able to do it by fax. It would save a lot of time and probably assist in the delivery of justice in our province. Not only do these changes help modernize our justice system, but they have the added benefit of bringing them in line with amendments recently made to the Criminal Code of Canada.

Secondly, sometimes dated legislation makes it difficult for governments to provide citizens and businesses with appropriate levels of customer service. This bill, if passed, would make improved customer service possible in a number of ways. For example, changes contained within this bill would enable the Ontario Securities Commission to formally disseminate information by modern, electronic means. How can it be smart or efficient to have legislation on the books in Ontario that does not allow the use of electronic means of communication?

By making amendments to the Commodity Futures Act and the Securities Act, the Ontario Securities Commission—the OSC, as we know it more commonly—will be able to legitimately communicate newer, amended

notices, rules and other information to the businesses it regulates via electronic means such as Web site postings and/or e-mail. This brings this kind of activity within government into the 21st century. No longer do they have to rely solely on verbal, fax communications. We can now use Web site postings or e-mail, which as anyone knows can be done more quickly than the normal methodology, and we don't have to send anything through the courier services as well.

1900

These amendments will help ensure that in the fast-paced financial services sector the OSC, in certain circumstances, can receive information electronically, legitimately, and be acceptable to the commission, and get it into the hands of those who need it in a very timely fashion so that they can best make their decisions, for example, on the trading floor with their clients and so forth.

Some other key amendments that we are looking at implementing and adopting in this particular bill would be the definition of correctional services. This would include the operation and maintenance of places of custody for young offenders, for example. To avoid unnecessary repetitive reference to these places, security terms such as "maximum" or "medium security" will now be referred to collectively as "youth facilities."

In addition, this bill will allow us to make minor amendments to the Ministry of Correctional Services Act that allow us to provide more efficient and effective service to the young offenders. I hope I'm speaking slowly enough. I hope the member from Kingston and the Islands doesn't doze off; I know he's paying attention with great keenness.

Mr Gerretsen: I'm the only one who is.

Mr Spina: Yes, you are. Thank you. I appreciate it. You are paying attention.

Interjection.

Mr Spina: Oh, the member from Windsor, God bless you. Thank you. I really appreciate your attention.

Mrs Sandra Papatello (Windsor West): Just because you married a Windsorite.

Mr Spina: Did you get that e-mail from Patty?

Mrs Papatello: Yes.

Mr Spina: Good. Wasn't that funny? That's great.

The Acting Speaker: We are discussing a bill. We are not having chitchats across the floor. So if the member would like to return to the subject at hand, it would be appreciated.

Mr Spina: I'm reminded I should focus, and I'm most pleased to do so. I was speaking about amendments to the Ministry of Correctional Services Act that would allow us to provide more efficient and effective service to young offenders. Here are a couple of examples. Subject to discretionary exemptions, the ministry will no longer be required to incarcerate a young offender in a medium-security place of secure custody or in a place of open temporary detention. Instead, the ministry will now identify the place of custody and level of security that most appropriately meets the needs of the young offender

and society. I think that's only just, because I think we've seen in the past that young offenders perhaps have been placed in an institutional environment which wasn't quite appropriate. The last thing we need is for someone to become a repeat offender or a worse offender. Therefore, the ability to put these young offenders in a level of security that best meets their needs best serves that youth and best serves society. Our goal is rehabilitation.

The safety of our institutions in the communities that house them has always been a top priority for this government. That's why we've made minor amendments to the Ministry of Correctional Services Act that not only enhance the security of the institutions but enhance the safety of the neighbouring communities.

For instance, because of this bill superintendents will be authorized to conduct searches of correctional institutions and persons found within the institution, and they will be authorized to dispose of contraband, if found. The amendment also clarifies the definition of "contraband." It has been a very vague definition in the past. This clarifies it, and it will be further clarified in the regulations.

As well, all releases will now be made through temporary absence or parole, both of which have strict standards and guidelines that must be met in order for an inmate to be granted leave from the institution. The Ontario Parole and Earned Remission Board will have the authority to reconsider a parole decision where it receives new information before an inmate has been released from custody. I think that's critical, because it will better allow parole boards to retain an individual when new information has been received that would deem that person to still be an ongoing offender, and that's what we don't want to happen, to make our communities much safer places. On the other hand, if there is no new information, the parole board can make the appropriate decision whether or not to release that prisoner. The board will also be allowed to suspend parole, where there is a reasonable apprehension that the inmate is about to breach a term or condition of his or her parole, to protect persons or property. These amendments are consistent with current board policy and the board's responsibility for public safety.

Our government is not only serious about the safety and security of our correctional institutions, we are also serious about fire safety. That is why we've also amended the Fire Protection and Prevention Act to ensure that fire safety is kept up-to-date and in the best interests of protecting Ontario's citizens. Amendments include allowing the fire marshal, an assistant to the fire marshal or in fact a local fire chief to not only remove but to dispose of combustible or explosive material or anything that may constitute a fire in circumstances of immediate threat to life. This may seem like a small point, and we in the public may take it for granted and assume that if something is a threat to society, the fire chief or someone would have the right to remove it and make it less dangerous for our society. In fact, that's not the case, and

that's why this amendment is necessary for this particular bill.

There is also a provision that gives authority to the Fire Safety Commission to order the disposal of any combustible or explosive material or anything that may constitute a fire hazard. Again, we take it for granted that people in authority or people in a position such as a firefighter or a fire chief would have that authority. In fact, they don't necessarily have that authority. We want to make sure they have that clear-cut ability in law that they are able to do that to protect society.

Our government is proud of the work that's done by the office of the fire marshal, and we believe that his office plays an important role in communicating fire safety initiatives on a variety of levels. That's why, to prevent misinterpretation in the types of communications issued by the fire marshal, amendments have also been made regarding the use of the terms "directives" and "instructions." Where the term "directives" is used, strict compliance is required, no ifs, ands or buts—strict compliance. Where the term "instructions" is used, there is flexibility in the compliance. We want to be able to give people a certain amount of discretion where the opportunity avails itself.

The last area that I'll address is our front-line police officers, who keep our communities safe and secure. We here earlier today were exposed to about 150 officers who came to the Legislature to hear the introduction of a new bill by Minister Runciman, the Minister of Public Safety and Security. It's to enhance the safety of our front-line police officers in the course of their work in their cruisers when they have pulled someone over for whatever reason. We want to ensure that these officers remain safe and that the penalties for harming or endangering them become far stiffer. That is as a result of four officers, of course, who over recent years have been killed and others who have been injured in the line of their duty. Probably the best name that I can bring to mind is one the member for Sudbury has brought forward: the issue of Constable MacDonald out of Sudbury who was killed. He's an officer we should remember in the protection of front-line police officers.

1910

But we believe that part of that respect for our front-line officers comes from knowing that our police services are held to a standard of professionalism. We must be able to clearly define that level of professionalism. In keeping with recent legislative changes and current operational practices, the Police Services Act has been amended to include some of the following.

First is clarification that auxiliary members of a police force and civilian employees of the OPP are not considered members of the public for the purposes of using the public complaint process to make a complaint about another member of the police force. Complaints about a police officer or staff must be made to the chief of police or directly to the OPP commissioner. To prevent misinterpretation of the provisions regarding complaints and to make police officers, police chiefs, deputy chiefs and

police services in general more accountable, the following amendments have also been made.

A chief of police may make a complaint about the conduct of a police officer on his or her own police force. A police services board may make a complaint about the conduct of a chief or a deputy chief of police. We think this increases considerably the accountability in the police services system and helps to weed out the odd bad apple—we are humans, after all—and make sure that our front-line police officers are in fact the best that we could possibly expect from these people.

Our government has invested the last seven years in trying to make Ontario a safe place to live, work and raise a family. We feel that our policies, programs and legislative changes are helping to accomplish that goal. Cleaning up old rules that no longer pertain to a modern Ontario is all part of good government. This bill is about keeping Ontario a modern, streamlined and responsive province, with a government to match.

I encourage all members of the Legislature to support this government efficiency legislation. This bill allows Ontario to improve our customer service and achieve regulatory excellence. This bill will help Ontario to continue to be a great place for our families.

The Acting Speaker: Questions or comments?

Mr Gerretsen: This member makes it all sound great, and who isn't in favour of greater efficiency in government? I don't think anybody would argue with that. But I think if you speak to the real people out there, particularly the small business people of Ontario, you'll find out that they are more encumbered by government forms, bureaucracy and red tape now than they were seven or eight years ago. You've passed your bills, you've made some housekeeping amendments, but in actual fact you haven't done anything at all.

I was very interested in looking through this—I was going to say it's an ominous bill, but I guess it's an omnibus bill. It talks in many of these sections about increasing the fines for particular offences under a whole variety of acts. So I took the Long-Term Care Act to see exactly what kind of difference there was between what's being proposed and what's currently in the act. Under the Long-Term Care Act, a current offence is punishable by a fine up to \$5,000. What you've done in the new act—and you haven't only done it in that act, but in about 20 or 30 other acts—is increased the fine to \$25,000.

Now, that sounds wonderful, but I would like the parliamentary assistant to tell me—and you can pick any act at all to refer to in your comments—how often have people actually been charged under the offence sections of any of these acts, and how often have they been convicted? I bet you that under most of these acts there hasn't been a charge laid or a conviction obtained, because it all basically boils down to enforcement. You can have all the laws you want, you can put the penalties as high as you want, but if you don't enforce them, they're totally meaningless.

Mr Tony Martin (Sault Ste Marie): I think in looking at this bill, one has to consider a couple of things.

One is, who is bringing it to you? It's this Tory government in place at Queen's Park these days, under the aegis of delivering government services quicker and faster, creating more efficiencies and getting on with their agenda, that brought you Dudley George, that brought you Joshua Fleuelling, that brought you Kimberly Rogers.

You also have to understand that this is driven by the infamous Red Tape Commission, that very commission that brought you Walkerton by way of some of the cuts they recommended to the Ministry of the Environment, whether it was red tape or whether it was a reduction in personnel who were taken away so we could no longer, as a province, keep an eye on and perform the function that we as government have responsibility for: to make sure that those public services we all count on and need are there for us when we want them. I guess the most obvious example for everybody, particularly where the Red Tape Commission is concerned—and this bill is about red tape—is the reductions in the Ministry of the Environment and the resulting tragedy we saw at Walkerton.

So I would caution people, when this government brings something forward as big as this, that they pay close attention, that they watch for things in it that aren't going to be so good, because this government has a way of introducing initiatives that speak of efficiency. I think one has to ask when one considers the result of these efficiencies, efficient for whom? There's not a single item among the 600 pages in this bill that in any way inconveniences the corporate bums who make millions selling off public assets and loosening government control.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It's a pleasure to make a couple of comments with regard to Bill 179. I kind of agree with the member from Kingston and the Islands when he says you can have all the regulations in the world, but if you're not going to police it, it doesn't do any good. However, I totally disagree with the member from Sault Ste Marie when he talks about the infamous Red Tape Commission. He mentioned Walkerton. If I recall, there were water regulations under the Conservative government under Bill Davis, under the Liberal government under David Peterson and, I think, under the Bob Rae government also and under Mike Harris. So if we're going to be consistent, member from Kingston and member from Sault Ste Marie, yes, we can have all the regulations in the world, but if people are not doing their jobs, we can have some difficulties in the enforcement of these regulations.

Consequently, to say that the Red Tape Commission is infamous is somewhat incorrect and misleading. I think that when we look at what the Red Tape Commission has done in the past seven years—and if some of you had attended the conference a few weeks ago, I think you would have seen the merit the Red Tape Commission has had in Ontario and the respect it has, not only in the States and in Europe, but we had speakers from Africa, from Europe, American speakers, and from all over

Canada. Consequently, to say that the red tape is infamous and has not done its his job—in life we can manage risk, folks, but we cannot totally eliminate risk. If any one of you on the other side of the House thinks that through regulation and legislation you're going to eliminate all the risk, I would strongly suggest that you give your head a shake.

1920

Mr Rick Bartolucci (Sudbury): I want to comment on my friend Mr Spina and his comments. I look at Bill 179 and I see a whole lot of bills compiled into one. We've been down this road several times before with this government. You might accuse us of being a little suspect of this government, but I would say the people of Ontario are saying it's for good reason that we're suspect of this government and the way this government puts through legislation.

One of the problems I see with Bill 179, off the bat, is it gives the government the power to make more patronage appointments. It's something I have some concern about, that our party has concern about, but the people of Ontario have major concerns with regard to Bill 179 and the government's new powers to make appointments to some that we would suggest to be critical agencies or boards.

We think it should go through the normal process, the process whereby they come before a committee and we see these people the government is appointing. By and large, they are Tories, and they are Tory appointments, as one would say. We want to be able to talk to them, ensure that they are up to the job, ensure that they are going to be able to provide the efficiencies that we as Liberals would want and that the people of Ontario would want. So I guess here on this side of the House, we're reflecting the views of real Ontarians and people who have some concerns with the way this government does business, even if it purports to be more efficient.

Mr Spina: Thank you to all of the members. I'm going to try, if I have time, to address each one of them individually.

The member from Kingston and the Islands: how many charges and convictions have there been? This is part of the problem. The problem is that the definitions were so vague that when charges were laid, convictions never resulted. We have clarified the definitions so that charges can be laid, convictions can happen, and the fines will be increased as a result.

To the member from Sault Ste Marie, my friend, because I'm born and raised in the Soo—you know that, Tony—I resent the infamous red tape reference. However, I want to remind you that it was the NDP government that permitted municipalities to use private sector labs with only guidelines, no regulations, no legislation, and you grandfathered all of the individuals in the municipalities that had the authority to file the reports. What happened? There were at least 10 municipalities across this province that experienced the same problems as Walkerton. The fundamental problem was that the people in Walkerton were grandfathered, were unqualified, and

falsified records. It didn't matter how many inspectors you had; they were reading the wrong information. In other communities across this province, and I'll cite Thunder Bay as a specific example, the guidelines were followed, the medical officer of health was on the job, and they shut the system down before anybody got hurt.

To my friend from Lambton-Kent-Middlesex, thank you very much for your comments.

To my colleague from Sudbury, I don't know where you're getting this idea of patronage appointments. That's the privilege of the Liberals if I've ever seen it, and I want to remind you that you have—

The Acting Speaker: Thank you. The member's time has expired. Further debate?

Mr Caplan: It's wonderful to see the last member—obviously he had a lot more to say.

Interjection.

Mr Caplan: I'm sorry, Speaker. I seek unanimous consent to stand down the official opposition leadoff hour.

The Acting Speaker: Agreed? Agreed.

Mr Caplan: I regret that I only have 20 minutes. This is a very large bill, and there are some good elements in the bill. I just want to be clear about that. It's not all good public policy.

Mr Gerretsen: What page are you talking about?

Mr Caplan: What are some of the good ones? I'll get to those. I want to be fair in my comments that there are some housekeeping matters, there is some renaming to reflect other pieces of legislation that have been changed, both federally and provincially. That's all fair and that's all good public policy and much-needed work. It does need to be done and codified and that's fine. But there are some other elements in the bill, and there are also some things which do not show up in Bill 179 and really should, and I want to talk about those as well.

Mr Spina: Oh, amendments, good.

Mr Caplan: Oh yes, we're going to have plenty of amendments, I say to the parliamentary assistant. One of the areas in the bill that I think is very positive is the one that was highlighted by the parliamentary assistant when he talked about increasing fines in the area of long-term care. It's fine to increase the fines. One of the difficulties, however, that historically all governments have had is enforcing the existing laws on the books. It would be very interesting to see whether the government would accept amendments that would give some real teeth to the rules, to the regulations, to the laws which are currently on the books.

My friend from Kingston and the Islands asked a very good question in the question and comments portion of the debate when he asked how many charges were ever laid, how many convictions there have ever been. The answer, quite frankly, is zero. It hasn't been done, in part because of the cuts to ministry staff but also because there has been some vague wording. But without enforcement, you can have whatever laws you want to pass; it's absolutely meaningless.

There are some areas in the bill that I would support, and I think all members should support. But overall, I would have to say that I am opposed to Bill 179 because it contains amendments that will reinforce the Conservative agenda to two main things. One is to move Ontario closer to two-tier health care. I know that's not surprising to members of this Legislature. We have two-tier Tony Clement as our health minister, we have a Premier who, when seeking the leadership of the Progressive Conservative Party, said that he was not opposed to two-tier health care. There are amendments in Bill 179 which take us closer to that. We know that is, in fact, the real agenda of the Harris-Eves government, has been from day one, and this moves it quite a bit closer.

The other aspect I find very troubling is that Bill 179 will ensure that important information is kept out of public hands. This is a recurring theme that we're seeing as well, where the Harris-Eves government has tried to hide many of their own practices. Of course, through the tireless work of people like our deputy leader, the member for Windsor West, and some of the other members of the Liberal caucus, we're able to expose matters like a \$10-million tax break for sports teams here in Ontario. When they're confronted with it, of course, there's shock, horror and complete denial, but it keeps it out of public hands through these order-in-council processes. In fact, Bill 179 will further tighten up the public's ability to know what is going on in government. I think that is very wrong, for the important reasons that we in the official opposition have exposed over the course of the last two or three weeks.

I'd like to speak in my time—limited time, I might add—about some of the amendments which I think should be in a bill like this but are not here. Let me talk about the amendments proposed by the Ministry of Culture in one of the sections of the Ontario Heritage Act, schedule F. It would allow municipalities to make laws to protect heritage properties, generally a very good thing. But how about an amendment to the Municipal Act that would let municipalities protect affordable housing from conversion and demolition? What a radical notion. In fact, we have had that, on the books of the province of Ontario, wiped out by government legislation in the past.

1930

I want to make note of my colleague from St Paul's, Michael Bryant, who brought forward a private bill on behalf of the city of Toronto. He took action, working with the city while the Harris-Eves government has sat by and done nothing. Michael Bryant, working with the city of Toronto, brought forward a bill. It's called Bill Pr22. It's a private bill. The government process for private bills is a little bit different from normal legislation. A private bill goes to something called the private bills committee, as did Bill Pr22. Bill Pr22 was approved by the private bills and regulations committee. But what happened on the way to the Legislature? Premier Harris and Premier Eves blocked that legislation from coming forward, even though it had the stamp of approval of a legislative committee of duly elected members appointed

by each of the caucuses, supported, not unanimously, I would add, by that committee. It is, in my mind and in my recollection, the only time a bill that has been approved by the private bills committee has not been passed by the Legislature. I stand to be corrected if any member of the government could tell me of another case.

Clearly, a measure supported by a legislative committee that has been blocked by the government could appear in a bill like Bill 179. I know I can count on my friend Mr Wood from London for his support in this matter. I know he takes the role of parliamentary committees very seriously.

More importantly, the government could write in the change in Bill Pr22. Cities have been crying for this ability for years. I've met with officials in Toronto, Hamilton, Ottawa and Kitchener who want desperately to protect the affordable rental housing stock, but they don't have the authority or the power to do it. The Harris-Eves government could have given them this power, but instead, as usual, they've chosen to do nothing to protect what little affordable housing we have now.

How about this radical suggestion for a bill like Bill 179? We could make some real changes to the Ontario Municipal Board. Instead of tinkering with the appeal times for minor issues, as proposed in Bill 179, you could do some really significant things, like the ones proposed by Dalton McGuinty, the things that Dalton McGuinty will do when he is Premier. That could be done in a bill like Bill 179. You could, I say to the government members, implement our plan in which we propose to do some major things to drastically overhaul the Ontario Municipal Board. I'll give you some examples of what those legislative actions could do.

They could require that the Ontario Municipal Board give greater weight to municipal official plans in its decisions. It's pretty radical, wouldn't you say, that local decisions made by duly elected local councillors, supported by their local communities, have some real weight? What a radical concept. Right now we've got an Ontario Municipal Board acting like an ad hoc provincial policy-maker. It's not surprising, given the fact that we have a government which is adrift—they have no idea of what they want to do or where they want to go—that we have this board making it up as they go along.

Our other reforms: greater weight will be given to official plans so that years of consultation and work on these plans are not routinely thrown out by Ontario Municipal Board decisions. Municipal boundaries would be given stronger protection so that developers could not redraw municipal boundaries. In fact, we would ensure that years of consultation and work on municipal plans would not be ignored by OMB decision-makers. Why don't you change that in one of your omnibus bills like Bill 179?

How about eliminating the role of patronage that is played in OMB appointments? Under a Dalton McGuinty Liberal government, OMB appointments are no longer made exclusively by the Premier and cabinet. They would be made by stakeholders from the Association of

Municipalities of Ontario, from the development sector, from communities that have an interest in making sure that we have competent, qualified individuals, regardless of their party stripe.

Mr Bob Wood (London West): Special interest groups.

Mr Caplan: That's right, cities are special interest groups. That's right. Instead, the member from London West wants to put his special privileged friends on government boards and commissions. We know that's the modus operandi of the Harris-Eves government. They do more and more for their friends and less and less for people like you and me. That is the way they operate, and it is shameful and disgusting.

We could also lengthen the board members' terms and, in fact, we will do that. We could ensure that the OMB will be impartial and its board members will have that expertise. That kind of change would be very welcome in Bill 179. In fact, in our plan for the OMB we're going to give them clear planning rules. The OMB rulings should be consistent with provincial policy statements, yet under the current rules the Ontario Municipal Board need only have regard to provincial policy rules—what few rules there are.

OMB decisions would be consistent with the province's priorities on issues like the preservation of farmland, the protection of natural wetlands in environmentally sensitive areas, the availability and protection of affordable housing stock and the need for transportation infrastructure. These are just a few of the areas in which the province has an interest in ensuring that the Ontario Municipal Board has and makes its decisions with regard to. But they don't right now. It seems to me that that would be a perfect subject for a bill like this.

We could give municipalities more time to make decisions on complex development applications. In fact, under a Dalton McGuinty government, that would happen. It could happen in Bill 179, but it's not going to. It will happen under a McGuinty government. Timelines that currently allow developers to appeal directly to the OMB 90 days after filing development applications will be significantly extended, and they should be. If you have two-tier, or a local and a regional government, you can't even schedule matters to be heard, let alone debated, within 90 days. This government should know that. There are many former municipal councillors, mayors and other people who have expertise in these matters sitting on those benches, and they should know better, but for some reason, are quite silent and not prepared to do anything.

I know councils would appreciate this kind of change. In fact, I think even developers would appreciate the change if it meant they could negotiate a fair timeline, a fair process for developments to go through. Under a McGuinty government, that's going to happen. Once again, it seems like a good idea for one of the little housekeeping items that could be in one of the 270 pages of Bill 179 but is mysteriously not here.

How about this, another radical idea? Let's take decision-making power away from the OMB on minor issues like the size of your neighbour's shed or the length of the driveway or the speed bumps on the road. Those kinds of issues can be decided at the local level. Large, complex, broader planning decisions should be at the OMB. That kind of decision could be in Bill 179, that kind of notion. In fact, under a McGuinty government, it will be.

So if you want to tinker, I say to government members, why not tinker with an institution like the Ontario Municipal Board and make a real difference to the quality of life here in Ontario? These reforms would be timely. I have agreement from a number of individuals—David Crombie, Frances Lankin, Anne Golden, the city of Kingston, Durham region—about the need for OMB reform. I could go on and I could read into the record what many of these folks had to say.

1940

Let me shift gears a little bit and talk about some of the frustrations as to what is not in the bill. In the Liberal caucus, my colleagues and I have a major problem with the amendment as it relates to the Independent Health Facilities Act. This bill removes the cap on the price of an independent health facility. The owner can offer for sale their IHF licence, their independent health facility licence. The cap was intended originally, Speaker—and you would know this because you were around at the time when that legislation passed; in fact I see some other members who were here too. It was intended to provide a market to develop around the licensed nature of a facility. The removal of the cap on independent health facilities would create a for-profit bias, since IHF or independent health facility operators wishing to transfer their licences would have the opportunity to sell them to the highest bidder.

What does this mean for the people of Ontario? We have to remember how these things came about. An independent health facility is a health facility in which one or more members of the public receive services for which facility fees are charged or paid. There are about 1,000 specialized IHFs in the province of Ontario. Most of these independent health facilities provide imaging and other diagnostic tests. Others provide treatment and surgical services that were historically performed only in hospitals.

The Independent Health Facilities Act was introduced in 1989 under the Peterson government, under one of the finest health ministers we ever had in this province. You agree with me, Speaker.

Interjection: Who was that?

Mr Caplan: Who was that?

The IHFA specified the licensing, funding and quality assurance requirements of facilities providing medical procedures traditionally performed in public hospitals. The main purpose of the bill was to ensure that independent health clinics were properly regulated to ensure the public good was served as these facilities expanded across Ontario. For example, the IHFA clearly stated a

preference in law for non-profit Canadian companies to provide health care in independent health facilities. This was to prevent a US-style takeover of the provisions of health care in Ontario.

Another way the original act set out to protect the public good was by creating this cap that I spoke about earlier on the price at which a facility owner could offer the sale of the licence. Under the former cap, the operator could only offer to sell their licence for an amount equivalent to 104% of income arising from the services rendered in a one-year period. The cap was put in place to prevent a commodity market for these licences. We've seen this happen for taxicab licences, we've seen it happen for a lot of other things, and the fear at the time was that this market would be created.

Well, Bill 179 removes that cap, so what do you think is going to happen: US-style two-tier health care coming to Ontario under the guise of government efficiency. Be very concerned, I say to the people of Ontario.

The Harris-Eves Tories moved quickly to dismantle the key protective sections of the Independent Health Facilities Act. As a part of the first ominous bill or omnibus bill, Bill 26, introduced in 1995—the bully bill, say my colleagues—the Harris-Eves government amended the Independent Health Facilities Act to remove the non-profit Canadian preference. I see the Minister of Health and Long-term Care here; maybe he'll explain why they did that. I doubt it.

Specific amendments contained in Bill 26 allowed the Ministry of Health to bring clinics that provided uninsured services into the Independent Health Facilities Act. At the time, back in 1995, Liberal members pointed this out and they predicted that the Harris-Eves government had a secret agenda to license clinics in Ontario to provide some services that the health care system would pay for and some services that people would pay for out of their own pockets.

The amendments contained in this legislation are the next shoe to drop. It could reasonably be characterized as the Eves government's next step toward a two-tier, for-profit, American-style health care system.

The Eves government, in Bill 179, is removing a specific section of the Independent Health Facilities Act that was created to prevent a market to develop around the licensed nature of a facility. Although licence transfers will still have to be approved by the Minister of Health, the removal of the cap will create a for-profit bias since operators wishing to transfer the licences will have the opportunity to sell to the highest bidder.

This spring the government announced opening the market to MRI and CT clinics. The pattern is clear: two-tier health care by stealth. Through so-called housekeeping, through so-called red tape reduction, it's coming to Ontario. I tell you this: the official opposition, the Ontario Liberals, Dalton McGuinty and the people of Ontario will not stand for this. So I must tell you, I'm not going to support this bill unless those sections specifically are removed.

The Acting Speaker: Questions or comments?

Mr Howard Hampton (Kenora-Rainy River): One thing is clear from the comments of my colleague from the Liberal Party, and that is that the government's red tape bills have very little to do with red tape and a great deal to do with, in effect, opening up parts of our health care system, our education system and, as we saw in earlier red tape bills, opening up protections of workers' health and safety, opening all these things up to private sector corporations.

I wish that when the government brought forward this legislation they had the courage and the decency to put a title on the bill that actually reflects what they're doing, because what they're doing is taking areas of social activity, areas of economic activity that require government oversight—where, for example, injured workers require, need, the assistance of government to ensure that health and safety rules and regulations are enforced, where valuable public services need the oversight of government to ensure that the public interest is protected, rather than simply catering to a special interest private benefit. I wish the government at least had the decency to just come forward and say that this is not about red tape; this is about taking things that have previously been considered to be important socially or important economically or important for workers' health and safety and now turning it over to private sector companies, which will be more interested in making a profit from it than they will be in protecting the health and safety or other interests.

Mr Wood: I'd like to focus on one aspect of the member's speech, and that is where he raised the question of what he claimed to be patronage in the making of government appointments. I'd like to share with him what the record is. Of course, every non-judicial appointment is subject to review by the government agencies committee of this Legislature. In other words, his party and the third party have the right to designate any of these appointments for review. Let's take a look at the record. They review 7% of those appointments and, of those 7%, they agree with perhaps a third of those. So it's fairly clear that the two opposition parties themselves are prepared to acquiesce or agree with about 95% of the appointments we make.

The criteria are quite straight forward: the appointees must be competent, they must have views that are mainstream in relation to government policy for the area in which they work and they can have no conflict of interest. I would suggest to the House that there are very few appointments, indeed if any, that do not meet those criteria. If you don't want to accept my view, take a look at the opposition's view of these appointments. They obviously support them.

Now, the opposition claims they have a better idea. They want to appoint special interest groups. They want to have special interest groups make appointments to the OMB. I am astounded by such a suggestion. How they could possibly think the public interest would be protected by having special interest groups make appointments to public regulatory bodies is absolutely amazing

to me. I hope they will promote that policy among the general public in the election, because it's certainly not going to help them. The public will understand the implications of that proposal quite quickly.

1950

Mr Dwight Duncan (Windsor-St Clair): I'm pleased to join the debate on this so-called red tape bill and to applaud my colleague from Don Valley East, Mr Caplan, for what I thought were wise words.

When we started to delve into this bill, we realized yet again that red tape goes well beyond dealing with legislation. I should say that members of this party and the government party actually travelled and found out how other governments and Parliaments deal with real regulation and real red tape. They do it in open forums, with committees of the Legislature, not by so-called Red Tape Commissions that are appointed by the government. I believe that Frank Sheehan, a former member, is paid \$500 a day to do that behind closed doors.

My colleague reviewed some of the issues in this bill and why it is important to have scrutiny of regulation. This government, more than any other government, has used something called Henry VIII clauses in their legislation. That is, they write regulation-granting powers into bills so they don't have to come back to the Legislature. They try to keep things secret, like they did for the cut to the employer health tax for pro hockey and pro basketball teams. They do their level best to keep that underground. I challenge them to change the process, to reappoint a committee on regulations, a committee of this House that is dominated by the government, to take these things from behind closed doors and do away with the patronage nature of the chairmanship of it. Do what they do in England, Wales, Scotland, Ottawa, Australia and New Zealand in terms of regulation and changing regulation: take it out of partisan hands and put it under public scrutiny.

Mr Martin: I want to commend the member for Don Valley East as well for pointing to the significant number of missed opportunities this government has had in bringing this bill forward. They've missed opportunity after opportunity over the last seven years to make improvements in the public life of this province, that would actually benefit most of the people, in their very narrow focus to cater to an elite.

This bill amends more than 400 items in 15 ministerial statutes and repeals 15 acts. The minister, Mr Flaherty, had said in this Legislature that we'll see outdated, outmoded and unnecessary regulations eliminated or replaced with "thoughtful, needful, smart tape," he calls it. But it is more far-reaching than that. When the minister talks about efficiency, one has to ask the question, particularly when considering this government's track record, efficient for whom? For whom is this going to work? We know what our past experience has been.

There is not a single item among the 600 pages that in any way inconveniences those friends and benefactors of the government who make millions from selling off public assets and loosening government control. This legis-

lation shows that this government is indeed an activist government. It actively protects the rights and privileges of the wealthy few. It actively avoids sticking up for citizens in this province who need their help the most. When the minister says he's cutting red tape, we have to look closely at what he's cutting and whom he's cutting, because our experience has not been very positive.

The Acting Speaker: Response?

Mr Caplan: I want to thank the members for Kenora-Rainy River, London West, Windsor-St Clair and Sault Ste Marie for their comments. I wasn't able to touch on one area of the legislation that I did want to highlight and bring to the attention of the Legislature: that Bill 179 makes a specific amendment to both the Securities Act and the Commodity Futures Act that will keep important information out of the hands of the public. It will restrict access, through freedom-of-information requests, into the dealings of the Ontario Securities Commission. You might want to ask yourselves why we have a former investment banker, now the Premier, who wants to restrict public access to information in matters as they relate to Bill 179. It's a very good question.

I wanted to take up the challenge of the member for London West. We in the official opposition would like to have more committee time to query government appointments, and we would also like to see greater balance to be able to do it. What happens routinely in this, and it's a practical matter at the committee level, is that the government members come with their rubber stamp. They don't really care about what the qualifications are. Some of the people my colleague read into the record earlier today, they just come and rubber-stamp them and away they go. It's out of sight, out of mind. We would welcome expanded hearings, we would welcome a more balanced approach—

Interjection.

Mr Caplan: And I'm glad that we have finally converted the member for London West to our way of thinking. I wish there were more progressive members on the government bench who are willing to take a reasonable, democratic view of the way this place works—I do note that the member for London West cares about democratic reform—the way this legislation works and the undemocratic nature of time allocation and the government rubber-stamping committee.

The Acting Speaker: Further debate?

Mr Martin: I appreciate the opportunity to lead off on this bill tonight for our caucus and to say on behalf of our leader, Howard Hampton, who will be the Premier of this province after the next election, that we won't be bringing in this kind of legislation that privileges the few and whacks and attacks the many. We will be a government that will consider the public good, that will look at legislation that will serve the most number of people, that will be supportive of the kind of Ontario we had up until 1995, that took a dramatic right turn and that we need to return to.

This bill needs to be looked at from a number of different perspectives. One of them, to start off with, is

the fact that it is yet another omnibus bill from this government. We know what the previous omnibus bills that this government has delivered have given us, and I'll talk about that for a few minutes. We also need to recognize that it was the inception of the infamous Red Tape Commission that delivered to us Walkerton and, I dare say, a number of other, maybe not quite so tragic outcomes in this province. But that has resulted in some very difficult times for many, many working men and women across this province as this government, with its Red Tape Commission, did not understand that red tape is also some of the regulation and health and safety standards that have been put in place in this province over a long number of years as a result of some very tragic accidents and happenings in communities, in workplaces and in homes across this province that cause men and women of goodwill to come together around a table, no matter what political stripe, to decide to do some things that were necessary in order to make sure those things didn't happen again. This government has a short memory. It seems not to understand the wider ramifications of not having those kinds of standards and regulations in place and has therefore and thereby gone ahead and suggested cuts that have become the order of the day that are not serving us well in the province.

Before I speak further about the Red Tape Commission, we need to expose the thin substance of that committee and the rather questionable base upon which it makes decisions and gets its power and whom it in fact serves in the long run.

This is an omnibus bill. This is it here. It was delivered to us a couple of weeks ago in the Legislature and I dare say that it won't be long, probably two or three days, before this bill—and look at the size it—will be time-allocated in this place, rammed through the House, and become the order of the day. But we have this opportunity tonight, and hopefully for another couple of days at least, to speak to it. It's an omnibus bill, a big bill that covers, as I've said previously here tonight, some 400 items in statutes of 15 ministries, and repeals 15 acts. It's of some substance, and people need to pay attention to it and understand what it does and, maybe even more important, what it doesn't do. Again here in the House we have another missed opportunity by this government to actually do something worthwhile.

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It's an omnibus bill, probably in keeping with the direction and tenor and tone of—just to talk about two of them that this government has delivered—omnibus bills. There's the infamous Bill 160 that has given us central control now of the education system in the province, has taken literally billions of dollars out of the education system, has literally hammered the education workers in this province who work so hard, who try so hard to apply the learning that they got in terms of going to university and teachers' college, as well as those teachers' assistants who went to college, and all the other people who work in the education system who, over a large number of years have committed themselves, night and day, blood,

sweat and tears, on behalf of those students they love simply to be now taken for granted, hammered, in many cases simply dismissed by this government as not really being important.

They attempt to, as our leader said here this evening—Howard Hampton, who will be the next Premier of this province—turn absolutely everything of a public nature in this province over to the private sector because they believe, ideologically and in a very narrow way, a very simplistic way, that if you just turn everything that is done in this province of a public nature, whether it's education or health care or the protection of our environment or the managing of our natural resources, over to the private sector, it will be done better, there will be more accountability, there will be more responsibility, and all of us will be served better.

We're beginning to see that that in fact is not the case. In the education system, and starting off with Bill 160, we saw control slowly but surely removed. We saw money and resources pulled out. We saw an attack of education workers by, first of all, labelling them simply unions or union members or union workers. It's too bad this government doesn't hold in the same regard those very dedicated, hard-working men and women across this province, for some of us our family members or neighbours or friends, people we go to church with on Sunday, that they don't see them in the light in which they need to be seen, you know: men and women who simply want to serve their community, simply want to serve the students that come to school every day.

My father was a custodian in a school. I remember him getting up before everybody else in the morning and being at that school every morning up in Wawa, where it was 40 below zero on many a day. He'd be there to make sure that the school was warm, that the school was clean, that there was somebody there to meet the students and the teachers when they came in, to assure them that they were safe in coming to that place. He was but one of so many dedicated, hardworking individuals across this province who simply wanted to serve, who wanted to do a good job, and yes, be paid for that good work so that they, in turn, could look after their children and their families and contribute in the communities that they lived in in that very positive way.

But this government, in its narrow approach to life in general and in public, beginning with the omnibus bill, Bill 160, took that all away.

I simply want to say sometimes that I wish we in this province could get back to a time when teachers taught, could just teach, could just focus on going to school and teaching. Children going to school could be children, could enjoy the experience, could go to school knowing that they were going to be led by personnel, whether it was the cleaning staff or the library staff or the teaching staff, who simply loved being there, loved their job, loved the children and wanted to contribute. But that's not the way it is any more in this province, and you don't have to talk to too many or go too far before you begin to realize the very sad circumstance that now exists out

there in most jurisdictions, and it started with the omnibus bill, Bill 160.

I want to talk for a few minutes about another omnibus bill in the same ilk as this Bill 179 that we're debating here tonight, and that's the megacity bill, the bill that we all remember here because some of us sat through the night as our party, led again by our leader, Howard Hampton, attempted, by way of introducing names of streets in the Legislature, to simply make the government and the people of Ontario who were going to have to wear whatever ensued because of that bill to sit up and take notice that there was something really fundamental and important happening here that needed to be taken more seriously, that needed to be respected more than was happening.

We needed to understand that once we'd done this, it would be like scrambling the egg—it's difficult to unscramble; that once we followed through on the recommendations and the requirements and the legislation and the regulation of the megacity bill and we put all those communities together, we would then wear whatever it was that ensued.

We know, all of us, particularly some of the members of my own caucus here—Marilyn Churley, Rosario Marchese and Michael Prue are dealing with the result of that amalgamation, probably more than anybody. The member from Beaches-East York, who was the mayor of East York at one point and then became a councillor with the new megacity, knows the disaster that that has become, the difficulties that have ensued, the lack of money and resources there to do the kinds of things that municipalities, city government, knows it needs to do if Toronto is going to continue to be the pride of this country and the envy of many other countries, and they can't do it.

With the provisions that were in that bill and what they're called to do and the lack of resources and the downloading by this government on municipalities now, it's very, very difficult, and you're beginning to see the results of it. All you have to do is walk or drive around Toronto these days and see how it's beginning to fray at the edges. As a matter of fact, there was an article in the New York Times just recently indicating that Toronto is not the Toronto of 10 or 15 years ago, but is a different Toronto now. Seven years of missed opportunity, that's what they say. Seven years of misplaced, misspent resource and priority. That's what the megacity omnibus bill gave us and that, I dare say, once we look more closely at this Bill 179, is some of what we'll get there, too: regulation, new legislation that will favour the elite few, that will push us more and more to a jurisdiction that is not respectful of its workers, of organized labour, that doesn't understand the responsibility it has now given to municipalities without the resources to deliver, that doesn't seem to care that the education system is coming apart at the seams and that is not able to protect its natural resources.

As a matter of fact, it has killed people because it isn't monitoring the water system that we all for so long in this country took for granted. Who would have ever thought

five or 10 or 15 years ago that we would have to worry about the water we drank? We would simply go to the tap and we knew it was clean. As a matter of fact, some of it was coming directly out of our lakes without any purification or filtration, we were that confident that it was clean. But in the last seven years, we've lost confidence in our ability to deliver that very essential and needed commodity for ourselves and for each other.

Can you imagine 10 or 15 years ago anybody in Canada thinking that we'd all be drinking bottled water? I think if I ever said that to people up in Wawa where I grew up, they'd laugh at me. "Bottled water? What are you, crazy?" The only time we drank bottled water was if we were out on a camping trip and we had a bottle, usually an empty Coke bottle or something, and we needed to dip it into the lake or the river that we were paddling in or swimming in to take a drink. That was the only bottled water we ever experienced. But now across this province, people more and more don't trust the water that comes out of their taps and they're spending hard-earned money to buy bottles of water, which in some instances are being imported from other jurisdictions in this country and from outside this country.

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That's the state of things in Ontario today and that's what's being delivered to us, because we get these huge omnibus bills that nobody, particularly those who don't do this on a regular basis, can understand. We, in our limited opportunity here—we usually get a couple of days. Some people ask, "Why do you bring on the shenanigans?" that you see here from time to time. I remind you of the nights that we sat here naming city streets to bring attention to the fact that there was something important happening.

At the end of the day, what is delivered through this legislation affects every community across this province, affects every family in every community across this province, every person in every family in every community in some serious and significant ways. In a few minutes, I'll go through some of the areas where that's going to happen with this bill, but for the moment I want to focus for a second, just so people understand, on the fact that this is another in a series of omnibus bills this government puts together from work done by the infamous Red Tape Commission to deliver to this House to be pushed through at a great rate of speed, usually at the end of a session and time-allocated, only to then have it discovered later on what it in fact is meant to do. It's always, always in keeping with the very narrow agenda of the government, which is to reduce government, turn as much as we can of the public services that we've all come to expect and count on in this province over to the private sector and cut taxes. I dare say to you that it doesn't and hasn't served us well.

I just want to talk for a few minutes, then, about the Red Tape Commission. It's one of a number of agencies, organizations or bodies this government has put together over the last seven years of missed opportunity in the province. It's an organization the ilk of—you'll remem-

ber the crime commission. A picture, at one point, was circulated around the province of three or four of the Tory members in black jackets and leather gloves and dark glasses standing outside some public building. You know: they were going to protect us from everything that was nasty and evil in this province. They were going to fix the police system. They were going to fix the criminal justice system. They were going to fix the corrections system. They were going to make sure that all of us were protected in ways that, they were suggesting by that, the public service wasn't able to do, wasn't up to and wasn't perhaps resourced effectively to do.

Well, I want us to ask the question, where are they today? Where is the crime commission? We don't hear much from them. I think one or two of them may even have not run in the last election, or lost. One of them, Mr Wood, is here, or he was here earlier; he's around—is in the House often, a lot, participating in the debates in this place, and he attends with me at the committee on agencies, boards and commissions and actually does a good job there. But as far as his role as one of the crime commissioners in the province goes, I'm not sure what happened. Maybe he could get up in his two minutes' response to my speech and let us know what happened to the now infamous crime commission that used to be in place.

I'm not sure where that came from. I'm not sure who dreamt that up. I'm not sure who gave them the power to do what they did. I'm not sure if they ever did anything, if they ever made a report. I'm not sure even where they got the money they got to travel the province and do some of the consultations they did. I don't know. Those are some of the things that you would think, given that in this place we're all about accountability and people knowing what we're doing and seeing through and answering to the electorate, to the taxpayer, the government would have been a bit more forthright in telling us how that particular commission was funded and empowered and what it was empowered to do and in fact, at the end of the day, what it really did. It probably did some things, probably some insidious little things that now permeate and perk through some of the areas of public service like police and corrections and so on. It probably did; I'm not quite sure.

But it was born in the same way, in the pumpkin patch somewhere, that the Red Tape Commission was. It causes me to question anything they would produce, anything they would bring forward, because, as the member from Windsor-St Clair said a few minutes ago, when, over the years, there was something of importance that the government of the province wanted to do in the area of challenging the delivery of public services or regulations or changing those, they would put together an all-party committee that was accountable, that operated within the rules and regulations of the House, that had been passed by all of us and evolved and developed over the years. But no, these commissions just sprout out, like bad weeds in your garden, from this government.

Another of those commissions, if you remember, was the gas-busters. Remember the gas-busters? The Associate Minister of Health and Long-Term Care was a charter member of the gas-busters.

Interjection.

Mr Martin: Yes. You were a charter member of the gas-busters. I remember the picture that was taken of you and a couple of your colleagues standing in front of a gas station, saying, like, "We will not allow these big, bad gas companies to gouge us any more. We're going to stop it."

Mr Duncan: Did they stop it?

Mr Martin: No. People across the province are wondering, what happened to the gas-busters? Where did the gas-busters go? We're paying, in Sault Ste Marie now, depending on the day, anywhere between 77 cents and 78 cents a litre for gasoline. We want the gas-busters up to the Soo. We want you to come up to the Soo, visit with Mayor Roswell, go out and—I did just a couple of weeks ago—enjoy his hot tub. But tell us how it is that the gas-busters are going to deal with the fact that gasoline prices are just going through the roof up our way. You add the gasoline prices to the increases in natural gas for heating, to the cost now of hydroelectricity, and you guys are breaking us. You're driving us into the poorhouse up there.

If the gas-busters, again born in the pumpkin patch somewhere—nobody knows who is responsible or, if they get themselves in trouble, who to point a finger at, who gives them their marching orders. Nobody knows who funds them as they travel the province checking things out and consulting. Where the gas-busters are concerned, I don't know what they did. Did you do a report? Was there anything concrete that came out of that except maybe a good photo op? That was it. A good photo op.

Sometimes I wish the Red Tape Commission had been as effective as the gas-busters and the crime commission and that we wouldn't have heard much from them, because I'll tell you, what they've done is destroying this province, it really is, some serious malfeasance going down—I use that word because the other words I would use wouldn't be parliamentary or acceptable here—but some serious stuff going down in this province under the rubric of the Red Tape Commission and so on.

Mr Hampton: Gas pains and red tape.

Mr Martin: Gas pains and red tape. That's right.

People out there have to understand that the Red Tape Commission, with all of the serious stuff they've brought forward by way of recommendations still operating out there, paying their Chair \$500 a day when they meet—and I'm not sure what the other members get. As a matter of fact, I'm not even sure who's on that Red Tape Commission any more. I know that Frank Sheehan—who isn't here any more, was a member, is still the Chair of that commission and a very active fellow, I might suggest—has had a major hand in putting this together.

I think it's important for people to know that that commission is not a standing committee of this Legislature. We're not sure who gives them their power, who

empowers them. We're not sure who has given the green light to go ahead. Maybe it was a walkaround by some of the ministers one day when the Premier wasn't around or there was a new Premier being appointed or something. I'm not quite sure who allocated the money that's going to the Red Tape Commission, but I suggest it might be something worth looking into.

2020

Two of the members of the Red Tape Commission—is it only two or are there more? There are two co-chairs; one is Frank Sheehan and one is Steve Gilchrist. I should have known he would be the co-chair of that organization. There's a busy fellow who seldom makes many mistakes, from what I understand. That he would be responsible for some of what is coming down by way of these red tape omnibus bills in this Legislature should surprise no one.

But the question people need to ask is, by whose authority does this commission operate? It certainly isn't one made up of members of the opposition in partnership with the government. The other question people need to ask is, by whose authority are they spending the money they're spending? I don't know if it shows up in estimates or if it comes before the public accounts committee; I'm not sure about that. I would guess it probably doesn't, just as the money the gas-busters spent and the money the crime commission spent didn't come before those committees. It's not only unfortunate, but I think it's something we should be challenging more aggressively and diligently here because of what's coming down by way of the bills that are materializing from the Red Tape Commission.

As I said, I wouldn't be so worried if the Red Tape Commission was as ineffectual and useless as the crime commission and the gas-busters have been, but that's not the case. They have done and are doing some things in this province we should all be very concerned and worried about, contributing, as I said a few minutes ago, to the seven years of lost opportunity we've been through in this province.

Let's look for a minute at this bill, because time's rolling on. The bill amends more than 400 items in 15 ministry statutes and repeals 15 acts. That's a lot of work, a lot of change, a huge amount of change to the way we do business in this province. We're going to do this probably in about a week in this place, all told, when you put it all together. It may stretch over a couple of weeks or three weeks before it's actually done, but when you add it all up, second reading and hopefully a little bit in committee, then back for third reading and probably no debate there, we'll be lucky if we get a week on this very substantial and big bill.

The minister, Mr Flaherty, says the legislation will see that outdated, outmoded and unnecessary regulation is eliminated or replaced with thoughtful, needful smart tape. That's what they did to the Ministry of the Environment, which resulted in Walkerton. That's what happened. But it's more far-reaching than that. This bill goes even further than the last red tape bills. When the minis-

ter, Mr Flaherty, talks about efficiency, one has to ask the question, because of their track record and because of what we've seen happen as a result of other bills they brought forward under the aegis of red tape and efficiency, when the ministry talks about efficiency, efficiency for whom?

That's the first question, and look at that really closely. There's not a single item among these 600 pages that in any way inconveniences the corporate bums who make millions off of selling off public assets and loosening government control. Not an item. Nothing. There's no red tape there, obviously, in this province, and we don't in any way want to put anything in place that might challenge or get in the way of, for example, a Canadian Enron, a Bre-X, all those nasty things we're beginning to see happen now as a result of corporate greed in this country and across North America.

This legislation shows that this government is in fact an activist government, but not in the way we often expect or see activist governments operate. This government actively protects the rights and privileges of the wealthy few, and it actively avoids sticking up for the citizens in this province who need our help the most. I'll get into that in a few minutes, but that's really important.

Government, in my view, has no more fundamental responsibility than to look after those in its jurisdiction who are most at risk and most vulnerable. It has fallen down consistently, time and time again. We have gone through seven of probably the most economically positive years in the province in a long time, and yet we have more people struggling under the weight of poverty. We've seen government services cut dramatically and drastically.

I came here 12 years ago. You would see from time to time the odd person sleeping on the street, but now—I walked through city hall the other night and I was tripping over people every five yards. That's what this province has come to in the seven lost-opportunity years under this government. So this government actively avoids sticking up for the citizens in this province who need our help the most.

When Mr Flaherty, the minister, says he's cutting red tape, we have to look closely at what in fact he's cutting. For example, this legislation restricts the right to strike and to bargain. Can you imagine? Can you imagine in the year 2002 in Canada, in Ontario, a government that would bring in legislation to restrict the right to strike and to bargain, to get in the way of what is a creature of the private sector, unions rising up? Poland was probably the most dramatic example, against Communism, to challenge the new industrial regime that came in, to make sure workers were treated with respect and dignity, and that health and safety was dealt with effectively, in a way that could be challenged and implemented.

We now have a province that is bringing forth legislation in this province tonight that is going to restrict the rights of workers to strike and to bargain. When we talked about this five years ago, saying this government was going to turn us into a right-to-work state, copying

some of the very right-wing states in the United States, people said, "No, we'd never go there. That would never happen, not in Ontario, not in 2001 or 2002." But here we are tonight looking at that.

This proposed act will reintroduce the Labour Relations Amendment Act. The Labour Relations Amendment Act affected residential construction in the city of Toronto and the regional municipalities around it. Many of you will remember the debate we had when that act was brought through, the back-and-forth and the very difficult circumstances it imposed on some working men and women in this province. It prohibited strikes outside a 46-day window from May 1 until June 15. Every three years you could strike, but only for 46 days. Try selling that to Buzz Hargrove. Try telling Buzz Hargrove in his dealings with GM, Chrysler and Ford—he has just got these really wonderful, very positive agreements with them, good for the workers, good for the companies—try telling him and his workers they can only strike for 46 days every three years. Talk about an incursion into free collective bargaining.

The Labour Relations Amendment Act provisions expired on April 30, 2002, by virtue of the sunset clause.

Mr Garry J. Guzzo (Ottawa West-Nepean): How did you vote on the social contract?

Mr Martin: I voted for it. Let me tell you, I sat here until after the long weekend in August, debating, talking and working with those men and women to try to come up with something that would deal with the circumstances we were facing as a government at that point in time. We were not in a time of great economic largesse and excess. We were struggling with probably the biggest recession to hit Ontario in a long period of time. Contrary to your understanding of what we tried to do as a government, we did try to manage the finances of this province and we did try to sit down and talk with men and women working across this province to come up with a deal. It certainly wasn't perfect.

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Mr Guzzo: You tripled the debt.

Mr Martin: Yes, we tripled the debt trying to keep services—

The Acting Speaker: Order. The member for Ottawa West-Nepean should know that the member for Sault Ste Marie has the floor. It is a solo, not a duet.

The member for Sault Ste Marie.

Mr Martin: Thank you very much, Speaker.

But the member from Ottawa obviously doesn't understand. I guess at that time you were doing quite well, thank you very much, weren't you?

In Ontario from 1990 to 1995, with the recession that was blowing—and it wasn't an Ontario recession; it was a global recession—we had to provide services and opportunities for the men and women who, when times are good, work in this province and pay taxes and expected that government would deliver those services when times were difficult, and those services cost money. There's no way around that.

People have to get their heads out of the sand. This government has to understand that if you're going to provide services for people and if people want services, you've got to pay for them. In difficult economic times, it means you've got to go to the bank every now and again and get some money so that you can continue to do that, knowing that this province has the industrial strength to work its way through that and pay it back after the recession is over.

This government, when it came in in 1995, instead of moving directly to pay down the deficit and the debt, decided to go on a spending spree themselves and gave out tax breaks to all their friends and benefactors and all the big corporations and businesses that paid their way to this place. And what happened?

Ms Marilyn Mushinski (Scarborough Centre): And created all kinds of jobs.

Mr Martin: Well, what happened? The deficit went up; the debt went up. You've got no ground to stand on, member from Ottawa West-Nepean, no ground to stand on at all. The debt and the deficit may have tripled under us; they've doubled under you from where we had it. You're not paying down the debt. It took you four or five years to even get close to cutting the deficit, because you wanted to deliver on your tax break. That's spending public money as well and that's what you're about.

So this government now, with this bill, is coming forward and saying it wants to restrict the right to strike and to bargain. The Labour Relations Amendment Act provisions expired on April 30, 2002, by virtue of the sunset clause. Now this act will reintroduce those measures with a new sunset clause of April 30, 2005. The Ministry of Labour proudly brags that this legislation will minimize the risk of consecutive strikes, such as those that paralyzed the industry for five months in 1998. Strikes are bad for business, they say, and this government has acted to protect business as it has since 1995. None of us should be surprised that this government will act to protect business and the interests of business. I don't think that business is bad, but it doesn't need the protection of government in the way this government has tried to implement its agenda.

It's a bit of a stretch to pretend that this is house-keeping, though. Restricting the right to strike is not cutting red tape. That's not cutting red tape; that's cutting into the very fabric of the way we ensure that everybody benefits from the work they do and the wealth that is generated by the contribution we all make by virtue of that work in this province.

There's a lot of downloading in this bill as well. We know all about downloading. You talk to any municipality across this province and they'll tell you that they're struggling because of the downloading of responsibility, without the money, that has happened. School boards are the same: they'll tell you that what they've been given to deliver by way of new standards in place now is almost impossible with the funding formula that was put in place. With the downloading that this government en-

forces, or puts on people, never are there the attendant resources that are required.

The ministry of community and social services gives up control over children's aid society bylaws. The Chair of Management Board gives up power to regulate lobbyist fees. Amendments to the Algonquin Forestry Authority Act allow the forestry authority itself, rather than the LGIC, to make decisions on contractors. This is more like telling the fox to make the rules for the henhouse. That is what this is: turning over to the private sector, those who stand to gain, control over the regulations that they have to live by. It's a little bit like having the accountants in Enron audit as well as give financial advice. It's the same kind of thing. It leads to the same end and will get us in trouble if we continue down that road.

The Forest Fires Prevention Act would be amended to broaden the ability of the minister to enter into alternative delivery of fire management services; in other words, contracting out. Where we have, in this province, a fire-fighting operation that is the envy of many jurisdictions in the world, that this summer alone sent literally hundreds of men and women into the United States to fight fires, we now want to change that. We don't think it's good enough. We think it's too expensive. We think that it's probably inefficient or something. When you have a fire and you call one of your contracting companies out to fight it, and they have paid their workers beyond what they've gotten in the contract, do you think they are going to continue fighting the fires? I don't think so.

One of my colleagues shared a story of a bizarre nature that happened when he was staying in a hotel in Mexico. There was a fire and they called the fire department. The fire department came because they were a volunteer operation there, but they couldn't turn on the fire hydrant because the fire hydrant was owned by a private company and the fire department had to have a contract with the private company to use the water from the fire hydrant. That's the kind of complication and idiotic scenario we'll get ourselves into if we head down this road.

Public services should be delivered by public servants, should be paid for by the public through the taxes they pay because it is more efficient and costs less. We see that in our health care system. Anybody who has studied what they are doing in the United States will tell you that it costs literally thousands of dollars more per person, per year to deliver the kind of health care, private-sector-driven, given in the United States compared to what we do here in Canada under the health system we have in place.

The Conservatives show that they are an activist government in this legislation. There is far more in here than simply cutting red tape. This legislation is quite activist when it comes to going after people whose bank accounts are running low. We are talking about working men and women here; we are talking about people of modest income. They are not going after the companies and big

corporations, because their bank accounts never run low. Say what you like, but that's the case. We are talking here about helping those big, poor banks that are having a difficult time, I guess, collecting or dealing with ordinary men and women who in the very difficult times we have now, particularly in northern Ontario, making ends meet, to make sure that if their bank account runs low, there is somebody knocking at their door—not that your bank account runs out or that you bounce a rubber cheque, but if your bank account runs low. In fact, if you bounce a cheque, you can lose your driver's licence. That does a lot to somebody who makes their living driving a truck or a taxi or whatever. If your bank account runs low—if you inadvertently passed a cheque without enough money to meet it in your bank—the bank doesn't just call you up anymore and say, "Mr Martin, we have a cheque here but we don't have quite enough money in your account. If you promise to come in in a few days, we'll just process it and everything will be cool." No. Under this red tape legislation, the government will be able to pull your driver's licence. If you happen to be a truck driver or a taxi driver, you're up the creek because you have no income coming in in order to go to the bank and make good on the cheque and get your affairs back in order again. It doesn't make much sense to me, but that's where this government wants to go.

The act is being amended to clarify that the minister may cancel a driver's licence or vehicle permit for a dishonoured payment: that is a bounced cheque not rectified on the driver- or vehicle-related fee. This may make it easier to collect fees, but the Highway 407 situation causes some concern. The ministry is required to cancel permits if tolls are not paid to the private owner.

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Understand this: this government, in taking power in 1995, took one of the assets that the province, our government, built and invested in in order to provide more transportation and a source of income for the government so that we could build more roads, and turned it over to the private sector. The private sector is making a killing—if you were here earlier today you would have heard the member from Scarborough-Agincourt talk about just how much money—under the leadership of Al Leach. The private sector company that now owns the 407 is making a bag of money. They're making a pile of money. This company is not poor. This company could, in fact, if it wanted, implement some of their own systems to try and collect on some of the fines to people who get themselves into difficulty on that 407 highway. But no. This government not only turned the asset over and allowed them free will to raise the rates as much as they want, to make as much money as they could possibly make, they're now going to become the collection agency for them. Can you imagine? This government, which doesn't believe in government, wants to cut government and doesn't believe that government should be in the faces of people, is now going to lend itself to this new private corporation that runs the 407 in order to collect on bad accounts, cancel permits if tolls are not

paid to the private owner. These amendments will add another irritant for the drivers. Where this road was put in place to relieve road rage and get people off some of the highways out there, you're going to have a whole whack of pretty angry drivers out there now. Another way to take their money and put it in somebody else's pocket, that's what this is about.

When it comes to squeezing money out of ordinary citizens or helping their friends in the construction Industry, or making it easier for the wealthy few who want to buy up everything the people of this province built up publicly, in order to make private profits, this is indeed an activist government and nowhere reflected more readily than in this Bill 179 that we're dealing with here tonight.

I have a vision, though, for a very different kind of government, a government led by Howard Hampton as the Premier, a government that does not always act for the benefit of the people who already have most of the money and most of power in this province—

Hon Doug Galt (Minister without Portfolio): You're having a nightmare.

Mr Martin: They said that about Mike Harris in 1995. We went into the election in 1995 and nobody knew who Mike Harris was, nobody knew who Doug Galt was, nobody knew who Dan Newman was. You guys came from third. When you do the math on the numbers of seats that we had in 1995 and the size of your caucus, and you compare it to what we have now in the size of this House, it's not that much different, and you guys won government in 1995. Nobody knew who Mike Harris was. You guys brought out the Common Sense Revolution about six months before the election and everybody laughed, including myself.

Interjection.

Mr Martin: A year before the election. We all laughed, we thought you were crazy. We thought Mike Harris had already begun to drink the Kool-Aid. We thought he was wacko to be suggesting the things that he had in that, that the people wouldn't buy it. But they did and they elected you guys. We have just as much chance of being the government after the election that you will call within the next year or so. We really do.

We're going to be working hard. We're going to be putting programs and platforms out there that we think the people will be attracted to, particularly after the last seven years of missed opportunity that we've had in this province. I think they'll like it, they'll like us, and they'll certainly like Howard. They like what he's doing on hydro up in my community, in Wawa—Mr Newman knows—in Hamilton and Welland. They love what he's doing on hydro, because they know their bills are going up as a direct consequence of the deregulation and the privatization of that whole system. They like him, they like our leader, they like what he has to say, they like his sense of commitment and his power. They believe him when he says things. He said he was going to do this, and he's going to do it.

Mr Guzzo: Win 12 seats for us, will you?

Mr Martin: We'll win more than that; we'll win more than 12 seats. We'll be the government after this next election.

Mr Guzzo: We had to change the rules to make you a party, remember?

Mr Martin: And we thank you for that. Thank you very, very much. Do you want me to get down on my knees, or what? Thanks. We appreciate that, and I think that because of that we've done a really good job here in opposition. We've held you to account. We've been a very effective opposition over here. The hydro campaign has been over the top, successful for us, because it's in keeping with what we believe. We believe that public services should be in public hands. We believe that hydro is a fundamental, essential ingredient to any good economy that we will have; it gives us an advantage.

Howard Hampton, our leader, the next Premier of the province, is leading that campaign, just as Mike Harris, in 1995, lead the Common Sense Revolution—

Interjections.

The Acting Speaker: Order. The member for Scarborough Centre needs to come to order. I'm sorry to interrupt the member for Sault Ste Marie.

Mr Martin: I'm touching some raw nerves over there—

The Acting Speaker: The member for Sault Ste Marie should be reminded that he should address his remarks through the chair.

Mr Martin: My neighbour and colleague from Algoma-Manitoulin, thank you very much.

Yes, we have every opportunity, the same as every party in this precinct, to be the government after the next election. When you look over the last 10 years, we had a majority Liberal government, we had a majority NDP government and we had a majority Conservative government. People are willing to vote for those things that they think will affect them most directly, pocketbook issues we call them: a re-regulation of hydro and not turning it over to the private sector—they like that—taking back those pieces of the health care system that have been privatized and contracted out by this government, a lifting of the very difficult load that has been put on the education system. That's what we're promising, and I think people will like it: a government that does not always act for the benefit of the people who already have most of the money and most of the power in the province.

Why can't a government protect the interests of those who need support the most? Why can't they do that? I don't know. I notice, for example, that this Government Efficiency Act amends the Ontario Disability Support Program Act.

The Minister of Community, Family and Children's Services was here a little while ago. I wish she was still here. They're going to, in this bill, amend that act. But these amendments are in fact genuine housekeeping items; there's nothing in here to correct the shortcomings of the ODSP, nothing that speaks to the need of people struggling with disabilities in this province for a modest increase in their income. There is nothing here to help

people struggling to get by on the proceeds of ODSP. People with disabilities are being forced to live in poverty. Disabled people who are unable to work rely on the Ontario disability support program almost totally, and they're being forced to live significantly below the poverty line. This government could do something about that. They really could. The minister, who just walked in, could, by virtue of her power, bring in a change tomorrow that would give a very modest increase to people with disabilities in this province.

I brought in a private member's bill last June. They whipped their government around. Three of their members actually had the courage to stand up and say, "Yes, what Tony wants to do is right. It's morally and ethically the right thing to do." A modest increase based on the cost of living that would be automatic every April 1 each year—who could speak against that? The member from Ottawa West-Nepean, could you speak against that?—a modest increase for the disabled in the province, who haven't had an increase since we were government, in about 1993-94, and with the cost of living that's probably gone up somewhere between 10% and 15% since then. They're living in poverty, big time poverty.

The government has a fundamental responsibility to look after the most vulnerable people in our society. I've said that probably two or three times tonight, and you'll hear me saying it as long as I'm in this place.

Interjections.

Mr Martin: Five times?

Hon Dan Newman (Associate Minister of Health and Long-Term Care): Six times.

Mr Martin: Six times, OK. Right now, we're failing them. We're not doing that; we're not living up to that responsibility. Last year, this government released their vision statement for people with disabilities. With it, they profess to be the champions for the disabled. The vision's a good one. Mr Jackson delivered it; a good vision. It states that they believe that the dignity and worth of all Ontarians should be respected and valued. Who could argue with that? They believed people with disabilities have the right "to participate fully in every aspect of life in our province." I have to tell you, for anybody who has experienced it or knows anything about it, it's hard to participate fully when you're living in poverty. As a matter of fact, I suggest to you it's impossible.

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These are great words, but they are just that, words. Today as I stand here those words ring very empty for 192,000 disabled citizens of Ontario and their families, friends and caregivers. For them, this vision statement is nothing more than a slap in the face. They see little dignity in being forced to live below the poverty line. They find it impossible to participate fully in every aspect of life when they don't have enough money for the very basics: food, clothing, transportation or even many of the medications or supplies they need. Any of you who knows somebody who is disabled will know there's a whole array of costs for those folks that go beyond food, clothing and shelter. There are all kinds of devices they

need, all kinds of assistance they need, special diets they have to have or they get allergies etc, and the list goes on. Anybody in this place who has spent any time in their constituency office and has met with the disabled, either individually or as a group, will know of what I speak.

The cost to them of participating in community is huge. The opportunity is minimal. A single person living on ODSP receives a maximum of \$930 a month, a yearly income of \$11,160. According to Statistics Canada, this is significantly below the poverty line. Particularly for those living in our urban centres—those of you who live in Toronto will understand this—it is very expensive these days and getting more expensive with each day that goes by. They would need an additional \$7,211 per year—imagine, they are below the poverty line by \$7,211—just to reach the poverty line, and that's just the poverty line. That's the line where you can afford the very basics. That's not a line that gives you the opportunity to participate fully in your community.

There is no protection for them in Mr Flaherty's efficiency bill. No one in this government acted to protect these people the way construction bosses and privatization tycoons were protected, not even close. The provisions that are in this bill that make it easier for those who already have to get more are humungous, while there is very little in this bill for those who need it the most.

I ask that every member of the government imagine trying to survive on \$11,160 a year. For all of us, the lowest salary in this place is \$82,000 a year. It's a lot of money. Some of us make \$90,000 or \$100,000 a year. Just imagine for a second going home and telling your wife and kids, "Got some bad news here to deliver. We've been cut back. We're going to make \$11,160 a year." How do you do that? That probably wouldn't even pay the mortgage for a year on most of the homes many of us live in, never mind pay for the food and the clothing and the school supplies, the opportunity to play hockey and be in music or to swim, all of those things that cost money nowadays. More and more, that is costing money because there are now fees for everything. Where a lot of that used to be covered out of the tax base and provided as a service to communities, it is not being provided anymore because communities just can't afford it because they've been downloaded on by this government. No one, in my view, deserves to live like that.

The cut of 22% that was made in June 1995 to welfare people was scandalous. It was morally and ethically wrong, and I am on record here tonight to say we would change that if we were the government and will change it when we are.

Since then, since people living on disability benefits have not had an increase since the Conservative government took office in 1995, the cost of living has gone up by 12.8%. This means that not only have they not had an increase, but \$11,160 is worth \$1,500 less than it was in 1995—and the circumstance goes on.

I've proposed legislation that would index ODSP to the cost of living so that every April 1 people with disabilities would get the increase they desperately need

to maintain their income level. My bill proposes to stop people with disabilities from falling further into poverty, but I notice, sadly, that Mr Flaherty and his colleagues did not include this in their Government Efficiency Act. That would have been a good move, a class act, but we've come to not expect that from this government.

The Labour Relations Amendment Act protects construction tycoons from losing profits during a strike. That legislation is included in this proposed act, but Bill 118, which would provide people living with disabilities a modest increase in benefits, is not included. I can't imagine a more damning example of who this government protects and who it is willing to attack.

In the last 25 seconds I have here tonight, I would appeal, plead, beg the government to stop the clawback of the child tax benefit supplement. That's \$100 to \$200 which could go to very needy families in this province and relieve them of some of the struggles they confront every day. That would be a nice amendment, a nice addition, to this bill that, up to this point and in its present form, does not serve them very well.

The Acting Speaker: Questions or comments?

Mr Steve Peters (Elgin-Middlesex-London): I want to commend the member from Sault Ste Marie for his comments this evening, and in particular his passion for persons who live their lives with a disability in this province. Having served 14 months as a critic for disabilities issues on behalf of Dalton McGuinty and the Ontario Liberal Party, I saw and learned first hand the various barriers that persons with disabilities face in this province. I commend him for his advocacy. I commend him more for his advocacy for seeing an increase for those individuals who live on the ODSP.

We've seen no increase in those pensions. We know that he put forth a private member's bill to try to see that increase put in place. We saw the reaction from this government. But certainly we've witnessed individuals all across this province who have taken up that torch Mr Martin has put forward in trying to persuade this government to do something.

I pay tribute to an individual from London, a gentleman by the name of Mr Jim Kramer, who has waged a constant e-mail barrage at this ministry and at the minister in particular. I don't know if anybody from the ministry has responded yet. I know that at least a week ago, almost four weeks' or three-and-a-half weeks' worth of e-mails to the minister's office had gone unanswered. I think that's not acceptable. No matter whether we correspond by telephone, e-mail or formal letter, it should be responded to.

So I commend the member for his efforts. We know this is a piece of legislation that's moving us closer to two-tier health care. It's also moving us away from keeping important information in public hands.

The Acting Speaker: Questions or comments?

The member for Sault Ste Marie has two minutes to respond.

Mr Martin: It's the first time I've seen the government caucus dumbstruck, but I dare say they will be

thunderstruck come the next election if they don't pay attention to some of what we're saying over here regarding some of the legislation that they're bringing forward these days.

Our caucus will not be able to support this bill, for a number of the reasons that I laid out here tonight. I've offered some suggestions, though, as to some things they might do that would bring us closer to maybe being able to at least take a look at it. We'll be calling for it to go out to public hearings, of course. We'll want full debate in the Legislature on it because it is a very substantial and lengthy bill, an omnibus bill, that is driven by the Red Tape Commission. We need public scrutiny and public accountability where it's concerned.

2100

I talked to you tonight about some of the things this government could do to lift some of the burden or red tape that some of our more needy citizens are confronting every day as they go about their lives. I particularly mentioned the travail, the difficulty, the challenge of those who live with disability in this province, 192,000 of them, who haven't had an increase in their income since the early 1990s. I also suggested that the members across the way pay close attention to the inquest that's going on right now in Sudbury over the death of one Kimberly Rogers and to listen as people talk about the effect of changes in legislation and approach in regulation where people on welfare are concerned, particularly the issue of people who collect social assistance also being able to take out student loans so they can in fact better themselves and get on with their lives and contribute in their communities in the way we know they have the potential to and want to.

The Acting Speaker: Further debate?

Mr Beaubien: It's a pleasure to speak tonight on Bill 179, the Government Efficiency Act, 2002.

One comment I would like to make, after listening intently to the member from Sault Ste Marie—and he was somewhat insinuating that the government members were not listening. I think every one of us was listening quite intently. He mentioned the fact that he was walking around Toronto city hall not too long ago and he had to step over homeless people every five yards. I don't know if he was alluding to the fact that when they were in government he was walking over homeless people every 10 yards. I would strongly suggest that whether you have homeless people every five or 10 yards, it is not really acceptable. One homeless person is probably too many. I don't know whether he makes a distinction between one or 100 or 50 or 25 or whatever it is, but I sort of missed the point there as to what he was trying to convey to us.

If this bill passed, it would clarify, streamline and update dozens of acts of 15 different ministries. The bill would repeal 15 outdated acts and amend nearly 90 others. This government has already repealed more than 57 outdated acts, amended more than 200 acts and eliminated more than 1,900 unnecessary regulations since 1995. I'll get to the gist of the bill in more detail a bit later on. That is a record to be proud of. It just makes

sense to have our statutes and regulations conform to the realities of the day.

This bill would provide uniformity and clarification in numerous areas that are currently inconsistent and unclear. I think it's always somewhat important that as a government we are and should be consistent, that we should be fair, that we should be clear. There are a multitude of housekeeping amendments that would clear up many of these inconsistencies.

For instance, the Ministry of Citizenship would amend the Human Rights Code to change the name of the Board of Inquiry to the Ontario Human Rights Tribunal. I don't know what the impact is going to be on the constituents of Lambton-Kent-Middlesex and of Ontario, but I'm sure it's not going to be very severe. The intent of the change is to clarify the nature and role of the Board of Inquiry. As it stands, the board not only undertakes inquiries; it also renders decisions. The new name would give the public a clearer picture of its purpose.

Another example of the type of housekeeping matters this bill would carry forward can be found in amendments by the Ministry of Culture. The ministry would amend the Public Libraries Act to delete references to improvement districts that no longer exist. It would delete distinctions in the act between library boards in large and small municipalities. Each board would now be composed of at least five persons, and no upper limit on board size will be stipulated by the act. It would also harmonize the privacy provisions of the Public Libraries Act to make them consistent with the privacy provisions of the Municipal Freedom of Information and Protection of Privacy Act. These amendments would clarify that the right of a person to inspect a library board's records under the Public Libraries Act is subject to the same exceptions set out in the Municipal Act. So when we talk about consistency, that's what this bill is all about. Part of the bill certainly is about bringing consistency into our regulations and legislation.

Bill 179 would also afford the Ministry of Finance the opportunity to make changes in the 1994 Credit Unions and Caisses Populaires Act. The ministry would amend the act to establish a consistent definition of the term "special resolution" and the consequential use of that definition in various sections of the act. It would standardize the requirements for special votes. The ministry would also amend the Credit Unions and Caisses Populaires Act to modernize the way in which notice of meetings considering the expulsion of members is given. Another amendment that the Ministry of Finance would make to the Credit Unions and Caisses Populaires Act would be to clarify the confidentiality expectations to which directors, officers, members and staff of the credit unions are expected to adhere. I'm sure that the member for Sault Ste Marie would not have any great difficulty in making sure that privacy issues are properly handled by government agencies or private agencies. Clarification and consistency: that's what Bill 179 is all about.

The Ministry of Consumer and Business Services would make amendments to the Land Registration Re-

form Act. The amendment would facilitate the filing of standard terms of agreements, which would be referenced in subsequent registrations. This will result in reduced paperwork and the streamlining of procedures for registering interests at land registry offices. If the government efficiency Bill 179 is passed, amendments to the Land Titles Act will similarly streamline procedures for registering interests such as deeds or mortgages by allowing the electronic filing of statements.

I'm sure that the member from Sault Ste Marie will recall that not too long ago there was talk that small registry offices in rural and northern Ontario would be closed in the mornings. I found that appalling, because there was a backlog in some of the large registry offices. I realize that some of the large registry offices in urban centres do have Teranet, do have the electronic filing that maybe small, rural and northern communities do not have. However, we have provided a service in the rural and, I'm sure, northern communities quite efficiently. Just because the large urban centres have the Teranet system or the information technology system, it doesn't mean that we should short-circuit the smaller municipalities.

This proposed amendment supports the general movement under the act away from the filing of affidavit evidence to statements in the registration of instruments such as mortgages or easements.

The people of Ontario deserve legislation that is relevant, current and up to date. Bill 179 would help bring our legislation in line with modern technological developments. I know sometimes it's somewhat difficult to accept change. I know I look in the mirror every morning and there's one hair missing and there's another grey one; it's not very easy to accept, but I have to accept it because that's reality. To the member for Sault Ste Marie, I know you're somewhat too young to be there yet, but you will get there. If you live long enough, I'm sure you will get there.

As another example, the Provincial Offences Act would be amended to allow bail hearings in certain circumstances to be held by means of audio or video technology and to allow search warrants to be issued by fax. Some communities in rural and northern Ontario probably don't have those facilities, but there are many municipalities in urban areas that probably do have these facilities. It's more cost-efficient. I guess justice might be rendered more quickly. I don't know the case, but we have to recognize the fact that modern technology is here, and is here to stay. The sooner we recognize that, the quicker we'll be able to accept this bill. Not only will these changes help modernize our justice system, but they would also have the added benefit of bringing it in line with amendments made to the Criminal Code of Canada.

2110

Also, I would like to point out that this bill will prohibit the sale and installation of rebuilt air bags in Ontario. It's interesting that the member for Sault Ste. Marie spoke for 60 minutes. He pointed out some pitfalls.

I'm sure that with any bill there are always pitfalls, but there are some concerns. If you look at what occurred in Quebec in the past year with regard to rebuilt air bags, there have been some sad consequences. There have been various injuries. I think there has even been death caused by rebuilt air bags. This bill would make sure that car repair shops do not use this type of equipment when they're working on your car, or one of your constituents' cars, or one of my constituents' cars.

This bill would also amend a number of health statutes. It will deter fraud and go after those who abuse our public health care system. I'm sure you would not have any problem with that, that anybody who abused or fraudulently used the system should be dealt with. If you have problems with that, I'm sure your constituents may have to disagree with you on that.

Mr Martin: Throw them all in jail.

Mr Beaubien: The changes include significantly stiffer penalties and a clarification that courts can impose orders that require compensation and/or restitution. The member from Sault Ste. Marie says, "Throw them in jail." I don't think there's anything to be gained there if it's a minor offence, but I think reimbursing the system is fair and equitable and consistent to the taxpayers of Ontario.

This bill will also amend—this is one you should listen to—the Domestic Violence Protection Act. It will strengthen the government's commitment to addressing domestic violence, supporting victims and holding abusers accountable. I'm sure that as responsible taxpayers in Ontario—anyone who abuses anyone else should be dealt with because the fact that you abuse somebody is certainly not acceptable. It's certainly not acceptable to the members on this side of the House. I'm sure you're not suggesting it is acceptable to your people:

There is another one I would like to touch on which this bill would deal with. It would clarify farm vehicle signage requirements. Maybe in Sault Ste Marie you don't have too many farm vehicles, although I'm sure you have a few. In my riding, farm vehicles are a very important part of our economic activity. As we're all aware, farm vehicles are supposed to have slow-moving-vehicle signs, but there are no limits attached to a slow-moving-vehicle sign, so you can move at five kilometres an hour or you can move at 80 kilometres an hour. What is acceptable? This bill would amend the Highway Traffic Act to specifically set the speed limit at 40 kilometres per hour. I think 40 kilometres an hour is somewhat acceptable on a vehicle that has a slow-moving-vehicle sign on it. It will give some guidance and some direction to some people.

Another one I would like to touch upon, because this has impacted constituents in my riding in the past month where two individuals lost their lives, is improving safety at rail crossings. We have the community of Watford-Warwick, where about a month ago two individuals lost their lives. This railroad crossing is on a remote, not very well travelled road. There is no stop sign. There are no signals. In the past five years, four individuals have lost

their lives. The municipality could not get the federal government to act in a timely manner, so in a responsible manner, the council of that community decided it would place stop signs to at least forewarn the people that there is some danger.

Now, you're going to say, "Well, people can still go through the stop sign and hit the train or get hit by the train." That's true. I believe we can never eliminate all risk, but we can manage risk, and this is what the community of Watford-Warwick has done. They have worked with the best solution they could come up with and they're managing this particular risk at this railroad crossing.

Another issue I would like to point out that this bill will deal with is proposed amendments to the Ambulance Services Collective Bargaining Act. I don't think the member from Sault Ste Marie touched on this. I want to point out that this bill would ensure consistency for conciliation officers in carrying out their duties under both this legislation and the Labour Relations Act, 1995, by ensuring that any confidential information shared by the parties with the conciliator in the course of negotiating an essential ambulance services agreement is protected. I'm sure that paramedics and ambulance operators in your riding would not have too much difficulty in accepting this change provided by Bill 179.

Ontarians deserve legislation that is clear and concise. They deserve legislation that makes their life easier, not more difficult. Bill 179 would help Ontarians in their daily lives. It would remove much uncertainty, confusion and indecision about the mounds of paperwork government has demanded from them in the past.

We talk about mounds of paperwork. I'm sure that when any member in this House talks about paperwork, about red tape to their constituents—I don't hear too often that it's easy to do business with the government. I would say the large majority of the constituents I talk to are always complaining, and rightly so, how difficult it is, how burdening it is to do business with the government, whether it's the Ministry of Labour, the Ministry of Health or whatever ministry you want.

When we look at the red tape bills that have been introduced in the past, along with this particular bill, yes, there are always pitfalls. I have yet to see any perfect legislation that has ever been submitted by any government, in this province, in this country or probably on the face of the earth. But it is about trying to make things easier for people to do business with the government.

For these reasons, I will be supporting Bill 179.

The Acting Speaker: Questions or comments?

Mr James J. Bradley (St Catharines): This is one of those bills that has some supportable parts to it. Unfortunately, being an omnibus bill, there's so much in it that is not supportable that we're not in a position to do that.

One of the areas I'm very concerned about is the area that will make it easier for the privatization of health care in Ontario. We saw an example of this, I thought, at the Sunnybrook hospital, where a good decision was made in principle; that is, the decision to increase the amount of

radiation treatment available. But instead of simply providing additional funding to Sunnybrook hospital, a public institution, it was given to a private individual to run it. That same money could have been used for that purpose. Now we will have MRI clinics and CAT scan clinics and so on that will in effect be run by the private sector.

I think there is a solution to it outside of that. If that were the only solution, the government might be able to hang its hat on it. The problem is that isn't the only solution. The solution is to provide additional funding that you're going to have to pay the private sector anyway, provide that to public institutions so they can operate their MRIs or their CAT scans or other equipment on a more frequent basis so they can have additional equipment.

As well, I'm concerned that there are some areas of the bill that want to give further cover to the government to not reveal information to which the public is entitled. I think my colleague for Don Valley East noted that—this was in the field of the Ontario Securities Commission, for instance—there should be as much information as possible made public. I'm in the middle of a fight with the Ministry of the Environment right now, where I've tried to get 400 pages of information on the Kyoto accord and they won't give it to me. They simply will not pass it along to me. So I think anything that prevents that from happening is not helping.

2120

Mr Martin: I want to suggest, in starting, that it was good to hear from the member for Lambton-Kent-Middlesex, given the silence across the way after I spent an hour sharing with the folks some thoughts I had on this bill. However, he did not clear up for me any of the lost opportunity that happened over the last seven years, nor did he clear up for me what happened to the gas-busters or the crime commission.

Mr Bradley: Gas-busters?

Mr Martin: Yes. I don't know where that went. But he did talk about fraud. Fraud is a popular topic for the members across the way. They don't like fraud except if it's fraud at the corporate level or somebody is defrauding on their taxes if they're a business. That's not such bad fraud. That's kind of simple fraud.

Where it comes to ordinary men and women or poor people trying to access the resources they need, if they make a mistake or, in the example of this government, the government decides that they want to create some fraud, they change the rules such that what used to be the way you did things all of a sudden becomes not the way, and you break the rules and it becomes fraud. Then all of a sudden you find yourself on the slippery slope and you're into the criminal justice system. I think anything that would do that to people is wrong.

I'm not sure where this bill will lead us, because once this government gets on that track, there's no end to it. For example, this government made it illegal for people collecting social assistance to also take out a loan to go to school. If you do that, you end up in the criminal justice

system. That wasn't the case seven years ago, but it is now, and Kimberly Rogers died because she didn't understand that.

Mr John O'Toole (Durham): I'm very pleased to respond to the member from Lambton-Kent-Middlesex. As always, he has made a very enthusiastic and, I might say, comprehensive comment with respect to Bill 179.

As a member of the Red Tape Commission, I know the infinite amount of work that has gone into it by the member from Lambton-Kent-Middlesex as well as myself and of course Gary Stewart from Peterborough and Mr Spina. A lot of members on this side take great issue with eliminating barriers to opportunity. That's really what this business bill is all about.

The bill contains, as the member said, 400 amendments to clarify, streamline and update some 15 different ministry statutes. The bill would repeal 15 outdated acts and amend nearly 90 others.

We must constantly ensure that our Legislature reflects the changes needed in society and takes advantage of technology—it's improving our quality of life—and update outmoded regulations; sunset many of the regulations; eliminate unnecessary legislation and regulations.

We've said for a long time that we've been over-regulated and overgoverned, and this government has taken some action, not just in this bill, but in previous amendments to regulations as well. An example I'm particularly enthusiastic about is that the bill will prohibit the sale and installation of rebuilt air bags in Ontario. Having worked in the auto industry for over 30 years, I can tell you that safety in our automobiles is a prime concern of our Minister of Transportation, the Honourable Norm Sterling. He's an engineer and lawyer. Quite honestly, the potential sale of defective air bags is just one example where this will prohibit this practice.

More important, I think, is amending the Provincial Offences Act, which would allow audio and video technology for remands. It's another example of putting public safety first.

Mr Peters: As has been said, there are a number of amendments to a number of pieces of legislation in this bill before us tonight. I want to talk to you on a couple of them. One is the Ontario Heritage Act. There are a number of amendments here that are a step in the right direction but the act should undergo a thorough review. It hasn't had a thorough review since 1974.

If this government really wanted to do something to preserve the heritage of this province, instead of saying a municipality "may" establish a heritage committee, they would amend this law, this proposed bill, to say that municipalities should establish, "shall" establish, a heritage committee. That would be a very positive step toward the preservation of heritage in this province.

There are also amendments dealing with the archaeological sites in this province, and I think it's very

important that we do what we can to stop pirates from raiding and destroying and stealing our valuable heritage resources. It's one thing to include in this act changes to the archaeological sites preservation, but you don't put any teeth to it. You've gutted the Ministry of Culture. The regional archaeologists in this province are almost non-existent now. If you really want to do something to preserve the heritage of this province and put some teeth in the Ontario Heritage Act, put the resources into the Ministry of Culture to ensure that archaeologists in this province have the resources to ensure that our valuable archaeological resources are not being lost.

Another section of this legislation that really disturbs me is the amendment that would allow for a school board to go down to a total of five members. We've seen what has happened all across this province with the reduction in the number of school boards and the loss of rural voice. If you allow a school board to go to five members, rural Ontario is going to be shut out further. As it stands right now, in Elgin county we have two representatives on the Thames Valley board, which is dominated by the city of London. Rural Ontario is losing its voice, and with this legislation it's going to be hurt more.

The Acting Speaker: Response?

Mr Beaubien: I would like to thank the members from St Catharines, Sault Ste Marie, Durham and Elgin-Middlesex-London for their comments.

However, there's one comment I would certainly like to respond to from the member for St Catharines. He mentioned Sunnybrook hospital. Sunnybrook hospital is very close to our family's heart because our son was involved in a very serious car accident on March 21 of this year. I personally spent two months at Sunnybrook hospital and I must admit that I have nothing but the highest accolades to direct toward the professional staff, the nurses, the cleaning staff and all the people who work in that facility, because our son received the best of care at that hospital.

I also had the opportunity to do an awful lot of walking during those two months and I did talk to an awful lot of people—not just one; more than one—who received treatment at the cancer care clinic, and not one person ever mentioned to me that it was operated by a private operator. They said they were just happy and fortunate and appreciative of the fact that they were being looked after from a health care point of view.

I take this opportunity tonight to thank all the people who make Sunnybrook hospital the facility it is. I can tell you, member from St Catharines, that the Beaubien family is bloody well appreciative of the care our son received at the hospital.

The Acting Speaker: It being 9:30 of the clock, this House stands adjourned until 10 of the clock tomorrow morning.

The House adjourned at 2129.

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CONTENTS

Wednesday 16 October 2002

SECOND READINGS

Government Efficiency Act, 2002.

Bill 179, *Mr Flaherty*

Mr Turnbull 2157

Mr Spina 2158, 2161

Mr Gerretsen 2160

Mr Martin 2160, 2165, 2166,
2174, 2177

Mr Beaubien 2161, 2175, 2178

Mr Bartolucci 2161

Mr Caplan 2162, 2166

Mr Hampton 2165

Mr Wood 2165

Mr Duncan 2165

Mr Peters 2174, 2178

Mr Bradley 2177

Mr O'Toole 2178

Debate deemed adjourned 2178

TABLE DES MATIÈRES

Mercredi 16 octobre 2002

Loi de 2002 sur l'efficience

du gouvernement, projet de loi 179,

M. Flaherty

Débat présumé ajourné 2178

CA20N
X1
-D23

Government
Publications



No. 44A

N° 44A

ISSN 1180-2987

Legislative Assembly of Ontario

Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 17 October 2002

Jeudi 17 octobre 2002

Speaker
Honourable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 17 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 17 octobre 2002

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

ONTARIO WATER RESOURCES AMENDMENT ACT, 2002 LOI DE 2002 MODIFIANT LA LOI SUR LES RESSOURCES EN EAU DE L'ONTARIO

Mrs Marland moved second reading of the following bill:

Bill 183, An Act to amend the Ontario Water Resources Act / Projet de loi 183, Loi modifiant la Loi sur les ressources en eau de l'Ontario.

The Acting Speaker (Mr Michael A. Brown): The member for Mississauga South has up to 10 minutes for her presentation.

Mrs Margaret Marland (Mississauga South): It feels strange to open a debate on a private member's bill that is virtually the same as a bill I introduced some 13 years ago, in 1989. At the time, I was environment critic for our party. We had a Liberal government sitting on this side of the chamber and my friend the member for St Catharines was Minister of the Environment. My bill was unanimously supported by all three parties but died on the order paper.

Since then some things have changed very little: like a public worried about the safety of our drinking water and drinking more and more bottled water, believing it to be safer than tap water—an increase in consumption of 45% in the last three years alone; like federal regulations for bottled water that are outdated and inadequate; and like a complete absence of Ontario standards for bottled water.

Presently, the provincial government only controls the taking of water for the purposes of bottling under the Ontario Water Resources Act.

I want to state upfront that my bill is not intended as a criticism of the bottled water industry. To Health Canada's knowledge, no water-borne disease outbreaks have ever been associated with drinking bottled water in Canada. Indeed the Canadian Bottled Water Association asks its members to comply with association standards and more rigorous testing than Health Canada requires, but only 85% of water producers belong to that association, and its standards are voluntary.

If there is one thing all the parties in this House surely can agree on following the Walkerton tragedy, it is that we cannot be too careful about monitoring water safety. Sadly, Walkerton has led even more people to assume that it is safer to drink bottled water than tap water. I have talked to young mothers who make baby formula with bottled water. When I tell them that tap water is much more strictly regulated for safety than bottled water, they are astonished.

But make no mistake, the consumption of bottled water will continue to increase. Not only safety concerns are driving demand up. For many people, it's a dislike of the taste of treated tap water. Bottled water is also a convenience product in our fast-paced lives.

God forbid that we should ever experience a tragedy like Walkerton from the consumption of bottled water. But what if it happened? Who would be held responsible? Would the public say, "It's OK, province of Ontario. We know the federal government regulates bottled water, so it's not your fault"? I think not. Could you accept an explanation that the province's responsibility, under Canada's constitution, for the management of water as a resource does not include water sold in bottles? Would you be satisfied, when the provinces are free to establish stricter standards than Health Canada's minimum standards for bottled water, that Ontario did not see a need for action, even though Quebec did? Ontarians should be able to assume that any water they drink, whether from the tap or bottled, is safe and meets strict provincial standards.

How do we correct the lack of provincial standards for bottled water? If passed, my private member's bill will give the province the authority under the Ontario Water Resources Act to prescribe standards similar to those for tap water. It will create a new section 34.1 that forbids selling or offering to sell, for human consumption, bottled water unless that water meets the standards that are prescribed by the regulations to the act. It will also create new clauses in subsection 75(1) to authorize regulations prescribing standards for bottled water, and for the manufacture, repair, service and sale of bottled water dispensers. In other words, it will put tap water and bottled water on a level playing field when it comes to regulating safety and quality.

I want to spend a few minutes demonstrating why the federal regulation of bottled water is inadequate compared to Ontario's existing, much stricter provincial regulation of tap water.

Bottled water is regulated as a food product under division 12, "Pre-packaged Water and Ice," of the federal

Food and Drugs Act. But these regulations, developed in 1973 with minor amendments in the 1980s, are badly in need of updating.

Current federal regulations do not contain specific, detailed parameters for chemical and radiological contaminants in bottled water, other than setting limits on arsenic and lead, nor do they require analysis of ground sources, conditions resulting from natural runoff through aquifers, etc. Moreover, the federal regulations do not oblige manufacturers to observe the guidelines for Canadian drinking water quality during the production of bottled water.

Federal inspections of bottled water focus on bacterial counts; however, there are several other important measures of water safety and quality. As well, federal regulations do not require labelling that clearly classifies the many types of bottled water, such as spring and mineral, being sold today. There are other ways bottled water labels can mislead. As Ed Oliviera, manager of water plant operations for the region of Peel, pointed out to me, a label showing the amount of lead present to be zero is meaningless. Lead, a heavy metal, needs to be measured in parts per trillion. Rounded off to zero, there could still be dangerous concentrations present.

In September 2002, the federal government released a white paper seeking input on proposed new regulations. A firm set of regulatory proposals is expected in 2003. But even if the federal government corrects these deficiencies, there remains a critical problem with the federal regulatory scheme. Quality control occurs through inspections by the Canadian Food Inspection Agency. Although regular, these checks are no match for the exhaustive testing required of municipal water supplies.

Just consider the testing done in my home region of Peel, as required under Ontario's drinking water protection regulation. With the second largest water treatment system in Ontario, Peel performs more than 100,000 tests per year. They test for 104 chemical parameters; there are more than 26,000 of these tests per year. Bacterial tests, for example, for E coli and total coliform are done daily, for a total of 12,000 tests per year. Other tests—for example, turbidity, pH, temperature, chlorine, ammonia—are also performed several times a day.

This intense scrutiny is required under Ontario's tough regulation, updated in August 2000 as part of Operation Clean Water, the most comprehensive strategy ever undertaken in this province to ensure safe drinking water.

Consumers deserve to know that bottled water is also subject to strict provincial standards. By adding the regulation of bottled water to Operation Clean Water, we would achieve that end.

What, you may ask, will be the cost to our government and to Ontario's taxpayers of the rigorous testing this bill will require? As water is bottled by private companies, the cost will be borne by the industry itself. Companies belonging to the Canadian Bottled Water Association already do much more testing than the federal regulations require as part of the requirements for membership in the association.

1010

In other words, Ontario regulations will simply create a legal requirement for what many companies already do on a voluntary basis. For these responsible businesses, additional costs should be minimal.

I wish to express my appreciation to all the members in this House who will be participating in this debate. As well, I would ask that the bill be referred to a standing committee for further deliberation, including discussions with consumers and the bottled water industry. Thank you for your consideration.

The Acting Speaker: Further debate?

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I'm very happy to have the opportunity this morning to speak to the bill that has been introduced by the member for Mississauga South. I am also very happy to say that it would be my intention to support this bill. When we consider the intent of the bill, it really is a very important one, to ensure that the water purchased in bottles in the province of Ontario is of the same quality as the water we get out of our tap. I think there is a perception within the public that if bottles of water are purchased, somehow the water contained in bottles is safer than what one might get out of the tap. I think what the member for Mississauga South has so ably pointed out this morning is that in fact it's not the case. I think it is critical that we bring this kind of legislation to the Legislature.

I'm also heartened to understand from the member that it would be her intention to have this bill go to committee to have stakeholder groups have an opportunity to come together and talk about how the bill is good and how we might improve it, how we might make it stronger. I would also suggest that it's a pattern that other government bills should follow, and that other members of the government might follow the example of their member from Mississauga South. Regrettably, the record of this government in terms of which bills get sent to committee is not good. It tends not to want legislation to take, in my opinion, that very important route that offers input from the public about the impact it will have. It also provides an opportunity for the public at large to comment, to strengthen the bill. As the member has indicated this morning that that would be her hope, I hope it would ultimately be the case at the end of this business session that we see the bill pass and go to committee for that kind of scrutiny and review.

I found it interesting as well that in the remarks of the member she pointed out that there has been a 45% increase in bottled water consumption in Ontario in the last three years. That is a significant increase. That is particularly interesting to me, of course, because, as many members of this Legislature would know, I have also introduced a private member's bill relating to water. The member from Mississauga South made reference to the fact that bottled-water-taking is regulated by permits to take water in this province, and my private member's bill was around that very issue. When water is taken from water sources in Ontario, it is required that a permit to

take water is issued. Permits to take water are issued by the Ministry of the Environment, and what I have come to understand is that when such permits are considered, there is an inconsistent practice in terms of the consideration of the community at large and the impact the water-taking permit might have on the community.

While the member's bill deals with quality of water in the province, the bill that I introduced dealt with the quantity. I think that's an important issue as well in the province. Many people are very proud of the many natural resources we enjoy in this province. However, there is now, very recently, a serious concern about our lack of regard for ensuring that there is some kind of regulation to ensure that the quantity of the fresh water we have in Ontario is somehow considered when permits to take water are issued.

The report from the Environmental Commissioner this year, recommendation 2, relates specifically to permits to take water. That recommendation very clearly indicates that the Ministry of the Environment should be more careful and should employ their own statement of environmental values when considering permits to take water. That was incorporated in my Bill 121, that when considering permits to take water, the director, who would have responsibility for issuing the permits, must consider the ministry's statement of environmental values.

Heretofore there has been some concern within communities that that perhaps has not been happening. There have been cases in the province around permits to take water whereby permits for significant amounts of fresh water have been issued and neighbours are worried that their own water sources might be in jeopardy when such large amounts of water are taken from a water basin and put in bottles and shipped outside their community. This water in bottles does not necessarily remain in the watershed, but is exported out of the community and perhaps, in some cases, out of the province.

I was at estimates actually this week. When the minister was asked about permits to take water in the province of Ontario, at the present time there are 5,600 permits to take water. The total draw on our natural water sources is 569,977,693,094 litres. It's significant that water is being pulled out of water sources in the province and, I think, a very good reason why, when permits to take water are issued, there needs to be a more comprehensive process in place to ensure that truly an ecosystem approach has been taken and that we don't have situations where water sources are ultimately or eventually going to be drained or it is going to have a negative impact on water sources or wells around a water source that would be used for bottling purposes.

With respect to the bill that we have before us today, the member has very appropriately and responsibly recognized that, given the fact that consumers in the province have the misconception that somehow water purchased in bottles is safer than water that might come from the tap, it is absolutely appropriate that we would implement legislation to address that and to correct the situation so that water in bottles is as safe as what we get

out of the tap. For that reason I am very happy that I am going to be able to stand in my place today and support this bill that has been brought by the member for Mississauga South.

Mr Tony Martin (Sault Ste Marie): I first of all want to commend the member from Mississauga South for bringing this bill forward. I think it's a bill that does meet some requirement to protect the public interest and should probably be supported. I'm here this morning listening. I listened to her. I listened to the Liberal member who just spoke as to why we need this further regulation. I'm trying to get straight in my head why it is that at this time in our history we have become so dependent on bottled water that we need to put in place these kinds of protections.

I don't know about you, Speaker—you come from Algoma-Manitoulin—but up in our part of this province it wasn't that long ago that we would laugh when people talked about drinking bottled water. It was a joke, with all the water that we had in Canada. We were surrounded by it everywhere and it was clean; you could go swimming and boating. The only bottled water we drank—I said this last night—was at the end of a day when we were tired and sweating and we had drunk the bottle of pop that we had brought along and it was empty, and we dipped it in the river or whatever and we drank it. That was the bottled water that we drank. To think for a second that anybody would be paying for a bottle of water was unthought of, but here we are, 10 or 15 years later, and we are standing in our place in the Legislature debating regulation to protect people from possible contamination of water that would come to us in bottles.

1020

We certainly, in this caucus, suggest that we should first of all be doing everything in our power to make sure that the water that comes from our tap, that we and our children walk up to every day and turn on, continues to be clean, safe and readily available and thought of as healthy for us, whether it's to drink directly or to make coffee or tea with and that kind of thing.

We believe that water should be available safely and readily through the tap, and the fact that consumers are spending money on bottled water indicates that the public doesn't trust that their drinking water is clean. That may be a message today that is being sent out there, or certainly it's one that is out there and that we may be confirming: that the public doesn't trust that their drinking water is clean. Certainly since Walkerton that's more the case. I've heard more comment in my own community over the last year than I heard for the first 11 years of my time in this job about water and concern about water, and requesting testing and asking questions about testing.

Of course, drinking water is a critical issue in Ontario, but the problem is not bottled water, although I agree we need to consider bottled water. Walkerton didn't happen because of bottled water. It happened because the Conservative government, of which this member is a part, cut the staff and resources that would have prevented the deterioration of water systems in the province.

The cutting of the staff in the Ministry of the Environment was a direct result of recommendations made by the Red Tape Commission that we talked a bit about last night. I don't think anybody in this place understands where they get their power, who resources them and why it is that they weigh the influence they have on decisions made by this government, but it was a direct recommendation by the Red Tape Commission, in terms of some of the regulations and standards that existed where the environment and water was concerned, that gave us Walkerton.

So this government cut the staff and resources that would have prevented the deterioration of water systems in the province, and now we have across the province municipality after municipality desperately, in vain, trying to find the money they need to upgrade their systems because they can't trust the water around them any more.

It happened because the government failed to enact its own statement of environmental values which states that it would take an ecosystem approach to watershed planning in the province. Ecosystem: I don't know if the government understands that concept. It means everything is connected, that you can't cut down too many trees, you can't dump toxic waste, you can't kill too many animals. You've got to keep a balance of things in place if you're going to have a clean environment and, in this instance, if you're going to have clean water; you've got to take an ecosystem approach. The government has failed to act on that by putting in place the kinds of environmental rules and regulations that would make sure that was in fact the case.

In Canada, one of the biggest countries in the world, with all kinds of natural resources—I had a group here a couple of weeks ago from Ireland; we introduced them in the House. We flew them from Sault Ste Marie to Wawa, and they couldn't get over the vastness of this country, the number of trees that were out there, the water, the lakes, the rivers that were there. We told them that today in Canada—because it's all interconnected—none of those waterways is completely safe, that we can no longer, paddling down the Montreal river, whichever one of the Montreal rivers you're paddling down in this province, just dip a cup in the water and drink it and think it's going to be absolutely safe and not think for just a split second that maybe there's something in that water—because there are all kinds of things going on out there that affect the toxicity of that water. My Irish friends were appalled that this was the case, that we allowed the deterioration of our environment to the point where now we even questioned the safety of the water out in those remote, far-flung portions of this jurisdiction that we govern over. But that's the case and it's unfortunate. Communities are having an awful time trying to come up with the money to purchase the technology that's necessary to protect their citizens against the possibility of their water not being clean.

The Conservatives also have not solved the problems with, and they have not restored public confidence in, drinking water in Ontario since Walkerton. Over 40% of

municipal water systems in this province are out of compliance with your supposedly tough new standards. Another 60 municipal water systems have gotten extensions on deadlines for meeting these standards. We have communities up in my part of Ontario, in your riding, Mr Speaker, that have been on boil-water orders for over a year now—two years—with no end in sight to when they will be able to tell their citizens, "You no longer have to boil the water; you can simply turn the tap on and it'll be as safe as anywhere else in the province." This isn't in southern Ontario, where you have a buildup of communities, of people living, of problems with waste disposal and traffic and cars and all kinds of industry; this is up in northern Ontario, on the edge of a couple of the biggest Great Lakes that we have going for us, where we have communities now issuing boil-water orders to their citizens. This, five or 10 years ago, would have been unthought-of, unthinkable that that would be the case, that we would allow the deterioration of our system to a point where that's what we're calling for now.

There are 60 water systems to whom you've said, "Go ahead and stay out of compliance for another year or two until you can scrape together the money to fix your problem." Imagine. You've looked at their system, deemed that it wasn't safe, called on them to replace the systems they had in place, or to introduce systems they haven't needed, and then you've said, "If you can't afford it right now, just go ahead, don't worry about compliance, and try to pull the money together," so that you could get out from underneath your responsibility to provide some portion of that money to them.

It's significant; we're talking millions of dollars here. We're talking communities of maybe 100 to 200 people needing to put in place water filtration systems that cost millions of dollars. We're talking an assessment to those folks, if they had to pay for it themselves, of thousands of dollars—people who, in these small communities, are seasonal workers or, at best, working in industries that don't pay substantial amounts of money, and they can't afford to change their systems to be in compliance. So you've said, "Well, don't worry about it." These 60 systems are waiting for money from your failed Super-Build program and you haven't provided it. Nothing; nothing has flowed from that program.

The Conservatives' latest budget stated that they underspent on municipal infrastructure projects last year. In other words, you had the money targeted, dedicated to infrastructure for municipalities, particularly where the safety of their water is concerned, and you underspent. We're wondering, where is that money?

It's a bit like the northern Ontario heritage fund. We discovered that they underspent \$300 million of that fund, and they came back to us to say, "Well, that money is dedicated. The projects have come in over the last seven years and we've set that money aside. Yes, it's sitting in an account somewhere, but sooner or later it's going to go to those projects or those communities that have applied." Well, we say to you that those communities and those projects need that money now,

particularly if they're projects dealing with the cleanliness of water.

So there's \$300 million sitting in a fund someplace that the northern Ontario heritage board has that isn't being spent. There was an underspending in the Super-Build program, where municipal infrastructure projects are concerned. You only spent \$29 million of your budgeted \$200 million for projects that could have brought these municipalities into compliance. Imagine, you spent \$29 million of some \$200 million that was budgeted for these projects. So communities like Bruce Mines, Thessalon and places like that which have had boil-water orders in place for a number of years now, which thought the government was acting in good faith in processing and dealing with their applications, now discover that of the \$200 million that was budgeted in last year's budget, only \$29 million has been spent. They still sit in fear of somebody turning the tap on, not boiling it, drinking it and having the complications that would bring on.

1030

The Conservatives' failure to provide the resources to municipalities that would allow them to bring their water systems into compliance is nothing short of dangerous. It makes your tough new rules almost meaningless, including this little piece of work that we're doing here this morning.

The Conservatives are about to unveil the flagship of their response to the tragedy at Walkerton, a drinking water act. Even though this is built on the foundation of our colleague and New Democrat member Marilyn Churley's Safe Drinking Water Act and has the benefit of the Walkerton Inquiry report recommendations, this bill will be weaker, we suggest, than Ms Churley's bill that came through here last year—not to speak of the fact that we've been told about and been waiting for this Safe Drinking Water Act to come before us so that we could debate it, and it hasn't arrived yet.

It will not accomplish any of the first 17 of Justice O'Connor's recommendations, all of which have to do with the implementation of source protection and watershed planning in the province. O'Connor recommended a source-to-tap approach to protecting our drinking water. The first step in that is protecting the quantity and quality of drinking water as it naturally occurs in our environment. This government has done nothing to accomplish that.

The Environmental Commissioner, who has had a lot to say about water, identified a range of problems with the province's postings to the Environmental Bill of Rights for permits to take water. They reviewed a sample of postings and found a whole list: 46% of the decision notices did not indicate the length of the permit; 49% of the decision notices had a different length than the actual permit. So you get the gist here, the trend. The government isn't taking seriously its responsibility where water and safe drinking water is concerned.

Even though we will probably support the member's bill here this morning, we suggest to her that she go back

to her government, speak to the Minister of the Environment, Mr Stockwell, who is always out there talking to us about how wonderful the things the government is doing are, and tell him that they're not moving quickly enough, that they're underspending the budget that was dedicated by the Minister of Finance last year to deal with infrastructure and municipalities and their drinking water and that they should be doing something about that. Because really, in Canada we shouldn't be so dependent on bottled water that we have to now begin to look at the safety of that product. We should be able to count on the water that comes out of our tap.

Mr Ted Arnott (Waterloo-Wellington): It's a pleasure and an honour to participate in this important debate this morning on Bill 183, An Act to amend the Ontario Water Resources Act, that has been brought forward this morning by my friend and colleague the member for Mississauga South.

I feel very privileged and honoured to participate in this debate this morning, as I said, not just because the bill is important but because I have the highest regard for this particular member of the Legislature. I feel privileged to serve with her because of her eloquence in the House and the way that she puts forward the issues that are of concern to her and her constituents. I recall serving with her in opposition, where I felt she was the very best questioner that we had in our caucus in those days, and the compassion that she brings to every issue that she is concerned about. When she was recently serving as minister responsible for children, I saw her in many different circumstances where she was dealing with constituents and people who came to the House, and the compassion that she showed, in terms of how she listened to them and worked hard on their behalf, was something that I always admired; her sensitivity as well; her forthrightness in terms of how she deals with things, the no-nonsense approach—you certainly know where you stand with this member, and that helps in terms of the working relationship that we have; the honesty that she has and the trust that people have in her as a result; the stamina that she shows in terms of her work in the Legislature—17 years representing the constituents of Mississauga South, seven years on Mississauga council before that and four years on the school board. In total, 28 years of service to the people of her area.

I can recall, going back to when I served with her in opposition, shortly after the NDP's first budget where they surprised us with a \$7-billion deficit, or maybe it was \$9-billion, that first budget. We in opposition were attempting to show our opposition to the budget and we were at a GO station in Mississauga South handing out brochures as the commuters were coming off the trains at the end of their day. This member had so much stamina and energy I just couldn't believe it. I couldn't keep up with her after a long day at the Legislature.

Even thinking back to those days, when we were trying as an opposition party to get our ideas out, our leader Mike Harris had an opportunity to go on television to talk about our agenda. We had a document called *New Directions*, which was one of the precursor documents to

the Common Sense Revolution. We were so pleased and impressed when 13,000 people called our offices to request copies of this document. Of course, we were short-staffed. We only had 20 members, and as a result we had very few staff, but in those days all the members were chipping in to stuff the envelopes. Margaret and I, I can recall, were here quite late one night stuffing envelopes with the New Directions document so the people could have a better appreciation and understanding of what we stood for as an opposition party. Those were the days—weren't they, Margaret?—when I think back.

The principle of this bill, as the member has indicated to me, is that she is attempting to raise this issue in the Legislature, Bill 183, to ensure that the public is equally protected when they're consuming drinking water, whether they're drinking municipal drinking water, in other words tap water, or bottled water. I think that's a very important principle that all of us as members would want to support.

We know as private members, when we're here on Thursday mornings with private members' bills, that when we're debating the bill, we're debating the principle of the bill. The bill, if it's passed by this House at second reading, may very well be referred to a standing committee of the Legislature or may be referred to the committee of the whole. I'm hopeful that this bill will be referred to a standing committee of the Legislature, because at a standing committee there's an opportunity for more discussion on the issue, and I think that's what this member would want in regard to this issue. I think it's important that we as members allow private members' bills to go to committee so that public hearings can take place and members can consider changes, amendments, perhaps, which perhaps will improve the bill. That to me is a very important aspect of our opportunities as members of provincial Parliament.

This purpose of this bill would provide that no one may sell for human consumption bottled water, or water from a water dispenser, other than a water dispenser that is connected to a water distribution system of a municipality in Ontario, unless the water meets the minimum standards prescribed by the regulations made under the act. The regulations can also regulate water dispensers. This bill is similar to the bill that was introduced by this member in 1989 when the Liberals were in power and the Conservative Party was in opposition. At that time, it was Bill 61 and it received all-party support in the Legislature but unfortunately died on the order paper.

As the member has pointed out in her presentation, currently the federal government regulates bottled water as a food product under what's known as division 12, "Pre-packaged Water and Ice" of the federal Food and Drugs Act. But of course, we are aware that it is the provincial governments, under the Constitution, that have responsibility for the management of water as a resource. I know that this member is sponsoring the bill because she believes that Ontario's management of water should include the regulation of bottled water quality and safety.

She pointed out in her speech that the consumption of bottled water has increased dramatically in recent years:

in the last three years alone, I think, the consumption is up 45%. More and more people are drinking bottled water, and in most cases they believe that it is absolutely safe, and some cases the perception by the consumer is that it's actually safer. As the member has pointed out, the federal regulations that apply for bottled water manufacturers are not as stringent as the regulations which affect municipalities in terms of tap water. I think it's important that people know that. It's also important that people know that the federal regulations have not been revised for a considerable number of years. While the federal government may have a white paper in terms of looking into this issue, white papers sometimes don't proceed very quickly. I think it's very relevant and important that we are debating this issue in the House today.

1040

There's another issue I want to bring up. It concerns my constituency, with regard to regulation 459. This was the regulation that was brought into effect by the government after the tragedy in Walkerton. It's the regulation on communal well operation and the water testing protocol that exists today.

There are a number of communities in my constituency that exist in rural parts of my riding that are on communal wells and that are affected by this regulation. Of course, all of us as members want to make sure the residents of Ontario are consuming safe drinking water. I certainly would concur with that, but I'm concerned about the cost of the testing. This has been brought to my attention by a number of communities in my constituency, people who live in Pine Meadows, for example, which is located in the old West Garafraxa township, now Centre Wellington. Pine Meadows is a land-lease community; in other words, the people who live in the community own their houses but the land the houses are on is leased and there's a developer, a property owner, who provides services for the people who live in the community.

Their water costs have gone up exorbitantly. I've raised this issue on a number of occasions with the Minister of the Environment. I think we need to review the whole regulation. We've got to find a way we can provide the safety and security of our drinking water in a more cost-effective way, and I'm hopeful the minister will review this issue.

In sum, that's my view on this bill. I think it's an important bill that we all need to support in principle, and I would encourage all members of the House to consider doing so. When the bill goes to committee, if it does, we'll have an opportunity to continue to discuss it. If indeed it is passed into law, there will of course be a regulatory power the government will acquire. That will mean, I'm sure, that there will be continued discussions on the regulations that would be forthcoming. When you think of the model of the nutrient management legislation the government has passed, you can see that there is ongoing consultation on those regulations. In the end, I think it's the right kind of process. Certainly that's the process I would recommend for this bill as well.

Thank you, Mr Speaker, and I would encourage all members of this House to support Bill 183.

Mr James J. Bradley (St Catharines): I wanted to make a point of being in the Legislature today to support the bill of my colleague from Mississauga South, who raised this issue some years ago.

All of us who are familiar with the field of water protection and water quality would recognize that many people are under the impression that because water comes in a bottle of some kind, somehow it is safer than that of a municipality; in other words, that coming out of the tap. It's going to be difficult, in light of some of the experiences we've had with some municipal water supplies, to convince some people to consume water that comes from the tap. That's most unfortunate. My personal choice is that, for the most part, I consume water that is from the municipal tap. I seldom purchase bottled water, but that is a choice people have.

If it's a choice people have, then it seems to me those individuals should feel protected by legislation; in this case, legislation that would supersede federal legislation to ensure bottled water is at minimum as safe as water coming out of a municipal tap.

I know there are some people who say they don't like the taste of municipal water because it's, well, whatever it happens to be. I can recall that, as to Lake Erie, a little while ago the water in my own community—by the way, we receive our water from the Welland Canal, a wonderful thought before it is processed. There was a feeling the water was tasting very swampy at that time, and indeed it was. The regional municipality of Niagara took action to ensure that was no longer the case. It was expensive but it was worthwhile.

So people have that reason, or they'll think there's too much chlorine in the water for their choice, and will make the choice of drinking water from a bottle. I'm apprehensive that many people think that because it's bottled water, it's automatically better than municipal water. We know that with the regulations that are out there, that isn't necessarily the case. It might be the case, but it isn't necessarily the case. The member brings forward the bill because she believes it should be the case, that it should be equivalent to the quality of water that would be produced by a municipality. I think that's fair.

I have a couple of other concerns about the whole bottling industry, and that is the amount of water being taken from our lakes, rivers and streams across the province. Some of the members, particularly in rural or semi-rural areas, recognize there is a genuine concern about the quantity of water being taken, for a variety of purposes, but some of those purposes are for bottled water works. I hope that in another piece of legislation we can deal with that. I know my colleague Mrs Dombrowsky had a bill before the House that dealt with the quantity of water that could be taken. Unfortunately, my recollection is that bill has never come to fruition.

One of the things I think we also look at in this hour devoted for private members' public business is that so many bills, as the member has stated in her communica-

tion to us, die on the order paper. What that really means, for the public who watch, is that a bill is indeed passed by the Legislature, but the government of the day, whichever government it happens to be, chooses not to proceed with that piece of legislation. When the session is ended and there is prorogation, that bill is gone and has to be reintroduced and re-debated.

Certainly the tragedy of Walkerton where seven people died and where thousands were extremely ill as a result of drinking municipal water, that incident, that tragedy has increased public apprehension about water and has prompted the government, at long last, to reverse its trend away from less regulation in the field of production of drinking water in the province and toward more regulation.

One of the things the provincial Environmental Commissioner noted in his most recent report was that insufficient action was being taken to protect our water supplies; in other words, the raw water supply. I think we all recognize that while we have some sophisticated tools and technology and science to purify water, as we would say, to at least take the contaminants that would cause us immediate problems out of that water, one of the basic steps that must be taken is that there must be protection of that raw water supply—the streams, lakes and rivers around the province.

The commissioner noted that by 2000 the government, which once had 730 monitoring stations on those rivers, lakes and streams, now had—at least at the point in time the commissioner did the study—240. It was down to 240. I would like to see as well, perhaps in another piece of legislation—quite frankly, I would like to see it in the Safe Drinking Water Act that is purported to be coming soon to this Legislature. I would like to see it included in that act. I am apprehensive that it won't be. It should be.

There is the issue, as well, of private labs that do the testing and the supervision of those labs. We want to ensure the provincial government is doing the appropriate job in setting out the rules and regulations, and then inspecting to ensure those rules and regulations are followed. Unfortunately, from time to time it happens that is not the case. There are some laboratories that have given a bad name, unfortunately, to all laboratories. One I can think of is Fine Analysis Laboratories in Hamilton, which has been involved in some legal action against it. Therefore, people started to be apprehensive about all these laboratories.

I do intend to support this legislation. I hope it does not die on the order paper, if it receives unanimous support in this House.

1050

Mr AL McDonald (Nipissing): It gives me great pleasure today to speak to Bill 183, An Act to amend the Ontario Water Resources Act.

I must commend the member from Mississauga South, Margaret Marland, whose work on behalf of her constituents is well known here at Queen's Park. She's a tireless worker. Her bringing this bill forward has shown her commitment to a safety factor for individuals in the province of Ontario.

I think of my riding of Nipissing: we're surrounded by lots of fresh water; we have Trout Lake, which the city takes its water directly out of, right now just through a UV system. Of course, Lake Nipissing should be the sixth Great Lake in Ontario.

But having said that, with water obviously we have a responsibility to assure the people of Ontario that it's safe to drink. Here's a case where bottled water is becoming so popular these days. Although the bottlers of this water do a tremendous job—and by all means it is not a slight against them, in whatever way people want to push. I think they do a great job, and there haven't been any problems.

Having said that, obviously we need to consult with these bottlers. We have to assure the citizens of Ontario that should they unscrew the cap on that bottle, what they're drinking is safe. From what I understand, these bottlers have done a great job and there haven't been any problems. If anything, they're probably very responsible business people, very responsible manufacturers. But it's still important that there be some type of regulation, so that when I undo that cap I know the water is safe to drink. I think what this bill speaks to is the fact there haven't been any problems, but how do we reassure the citizens of Ontario?

I think they would probably agree with this bill as well, when we sit down to talk to them, because they want to be able to be proud of their product. They want to be able to stand up and say, "Yes, if you unscrew that cap on that bottle, you're drinking very safe water." If anything, I believe their sales will increase, because the confidence of their customers is in knowing the government has taken the necessary steps to put in place those safety margins. I think that's crucial.

I know that any time you're in business, you want to reassure your consumers that whatever product you're giving them is safe. There have to be standards you go through. From what I understand, they have standards and they've been doing a great job. But if we're importing bottled water from the United States, is there the same process that Canadian business people go through? Are there the same standards? Are we maybe exposing the people of Ontario to unsafe drinking water that might be imported into the country?

I think we have to look at all the different avenues. From what I understand, this is going to be referred to committee to consult with manufacturers, with consumers and with all parties in the Legislature. I think it's key that we look at that and study it further and make all the right recommendations, so that when we bring this bill forward again, there is protection for all.

This government has helped business and has created so many jobs. I think it's important that we keep doing that. I believe we want to create economic development and jobs for the people of Ontario. By the same token, there has to be protection for the consumer. I think there's a good balance there. I believe we can find a great balance there, so that all of a sudden their product will see increased sales because the consumer will have confidence in that water. I really believe that's key.

There are going to be discussions, pros and cons, on this act, and so there should be. We should be able to weigh what might hurt these manufacturers. That's important. We don't want to cause them additional grief. We want those jobs. We want business to survive in this province. We want consumers to buy their product because that's going to create additional employment for us.

What the member from Mississauga South is proposing here is saying, "What they're doing is wonderful, but let's take that extra step, let's make sure that our consumers, the people of Ontario, have the safest drinking water, regardless if it's out of a tap or in a bottle." I couldn't agree with her more that safe drinking water should be non-negotiable. I think we should all as members stand up and say, "Yes, we will provide safe drinking water, in bottle or tap, to the people of Ontario."

The Acting Speaker: Response?

Mrs Marland: I thank my colleagues in the House the members for Hastings-Frontenac-Lennox and Addington, Sault Ste Marie, Waterloo-Wellington, Nipissing and Timmins-James Bay. I very much appreciate the fact that the member for St Catharines, Jim Bradley, who is a former Minister of the Environment himself—I may add that I've always said about Jim since I was his environment critic, and I worked very hard at question period asking him questions, that I always found he was one of the best environment ministers we've had in terms of responding to questions and to other people who were representing the interests of people in this province.

I simply would say in closing that the CBC News in May of this year, through an Environment Canada statistic, reported that less than 3% of municipally treated waters are used for drinking, and therefore more and more bottled water is being consumed instead. We have a huge obligation on behalf of the people of this province to at least give the bottled water they drink the same provincially regulated standards as the tap water they also drink.

I think it is very significant that Quebec has already protected their residents. If Quebec can protect their residents with provincial standards for bottled water, then that's the very least we can do for ours in Ontario. I thank all members for their support.

The Acting Speaker: This completes the time allocated for debate on ballot item 61. I will place the question to decide this matter at 12 noon.

1100

HIGHWAY TRAFFIC AMENDMENT ACT (CELLULAR PHONES), 2002

LOI DE 2002 MODIFIANT LE CODE DE LA ROUTE (TÉLÉPHONES CELLULAIRES)

Mr O'Toole moved second reading of the following bill:

Bill 49, An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while

driving on a highway / *Projet de loi 49, Loi modifiant le Code de la route pour interdire l'utilisation de téléphones et d'autres équipements pendant la conduite sur une voie publique.*

The Acting Speaker (Mr Michael A. Brown): The member for Durham has 10 minutes for his presentation.

Mr John O'Toole (Durham): I apologize for being late. We just finished doing a press conference on this important issue, Bill 49, An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway.

Each of us has witnessed what I would describe as driver distraction on our roadways. Some would call it multi-tasking. I commute from my riding each day and the drive is anywhere from an hour and a half to two hours, each way. I see everything from many coffees to reading the newspaper, reading a book, putting on make-up, combing hair, drying hair and shaving. It became more and more apparent to me that, as to driver distraction, one of the main contributors is the emerging and escalating use of cellphones while driving. So it's the issue of driver distraction and driver attentiveness.

Whether it's all the issues I mentioned or quarrelling with the children or with someone else in the car, or being distracted, it's just not acceptable.

I've worked with Mark Stone, who's a constable with the Durham Regional Police. He's in attendance this morning. I first introduced the bill in 1999. When I did, I spoke in the House on first reading, and have been watching it very closely ever since. Of course the House was prorogued in 1999 and I reintroduced the bill.

The purpose of the bill is to help reduce the number of accidents on Ontario's roads by banning the use of hand-held cellphones while driving. Bill 49 would also mandate the collection of data when investigating an accident site to see and determine if technology was a cause of the accident or affected the accident. This is similar to the current practice for accident investigations when the question is, was the use of alcohol involved in the accident? Was the failure to wear a seat belt a factor for the accident investigation? It requires the collection of data on accident investigation scenes.

If passed, Bill 49 would provide law enforcement officers with a more effective tool, I would put to you, to help ensure the safety of Ontario's motorists.

Bill 49 will also help to educate and draw drivers' attention to the problem, and make them think twice before taking their hands off the wheel to dial their cellphone, in fact to hold their cellphone.

What I'm recommending here is about the use of hand-held, voice-activated phones. I've spoken with the Canadian automobile manufacturers' association, I've spoken with the Canadian wireless association, and they are looking at making it more convenient and more user-friendly.

I want to put to you that a complete ban, in my view, is not the right move at this time. I could probably make the case that having a cellphone in the automobile is a safety cushion. It's a piece of contact with the outside

world. My young daughter Marnie was coming home from university in the wintertime, and late at night, around 10:30 at night, she phoned. She had a cellphone. She wasn't on a 400-series highway. She was alone and she had a flat tire and had slid a little off the road. Her phone was a lifeline to the outside world.

So an outright ban is impractical. In an emergency situation, if you're going to be late for a meeting, a quick call would say, "I'm going to be late. Please understand." Also there is reporting an impaired driver, reporting an accident scene. There are many applications where a cellphone could be a contributor to making our roads safer and our people feel safer.

If passed, my bill would result in a fine. Today the tool the police have to effectively enforce this issue of driver distraction would be a careless driving charge, which would be a fine of over \$300, probably a court appearance, six demerit points, probably an impact on your insurance bill, and at the end of the day, if there's an accident, a careless driving charge can and probably should be laid.

What I'm giving here is a tool which would allow the police to intervene with someone who is perhaps operating the motor vehicle in an inappropriate manner, to notify them that the use of a cellphone was the cause and to give them a ticket. That ticket would be a reminder. I put to you on the reminder that they would have to possibly go and take a little course to refresh their driver attentiveness.

Using other devices such as fax machines, pagers and other kinds of converging and emerging technology in the automobile is also part of this bill. Cellphones operated in a hands-free mode would be exempt. Emergency personnel would be exempt: police, fire and ambulance. The use of cellphones to report an emergency, an accident, an unlawful act or road conditions would also be exempt.

I can tell you that there have been many cases. Recently I attended the inquest that was held in September in Durham which had to deal with the most prominent case of record recently, where a 31-year-old man and his two-year-old daughter were tragically killed when their vehicle was struck by a train. From the investigation it would appear that the father had just finished holding the cellphone to his daughter's ear to say goodbye to her mother. At the time of the accident he had taken the phone back, but there was about 28 seconds between the sounding of the horn, the gates going down, and when the crash occurred. So driver distraction was demonstrated to be a cause of the accident.

There were two really important recommendations from the inquest—there were five, in fact, but I'll just read two that I thought were appropriate to where my bill would improve the situation. I quote the coroner's jury.

"Legislation should be considered to prohibit the operator of a motor vehicle from using a cellphone while engaging in the operation of a motor vehicle."

Number 2, the jury also recommended, and this is very important, that a task force be established to undertake further research about the risks of driver distraction.

I'm encouraged by speaking with our Minister of Transportation, the Honourable Norm Sterling, as well as our Solicitor General, Bob Runciman, that indeed with the support of the members in the opposition and third party this bill will pass. My preference would be to send it to the standing committee on general government for further public consultation on the broader issue of driver distraction.

I don't want to disregard the research that has been done in the past, but I also want to establish the point that the study by Dr Donald Redelmeier done in 1997—he's a researcher with the University of Toronto—found that a driver using a cellphone while driving was four times more likely to be involved in a collision. I'm saying that many disputed his statistics. This bill requires the collection of statistics and data as we go forward and technology becomes more and more invasive to see if there is indeed a correlation between driver distraction, driver attentiveness and road safety.

In my final remarks, many other jurisdictions, 22 countries in fact, have adopted some prohibitive use of cellphones, most recently the state of New York. I've been in touch with the legislator in New York, and that legislator has told me that my bill pretty well mirrors the bill in New York state, which has prohibited the use of hand-held cellphones, much like my bill. They are now collecting the data. They do see a heightened awareness in the state of New York.

I want to put on the record that Kevin McAlpine, who is the chief of police for Durham region, has also more recently sent me a supportive comment to my bill, as has Craig Bromell from the Toronto Police Association. Frank Murphy, the executive director of the Head Injury Association of Durham Region, has also commented on it. As well, Udo Rauk, who is on the traffic safety committee of the Ontario Association of Chiefs of Police, has said, "Congratulations on your effort to focus on driver distraction and to identify preventative measures for safety and security."

I believe it's clear. The public have spoken. I've had hundreds and hundreds of e-mails, faxes, personal letters and personal testimonies, and about 95%, if not more, say it's the right thing at the right time, it's a good first step. I look forward to the members of the opposition and third party to comment, and indeed the people of Ontario to comment, as the Minister of Transportation and the Solicitor General have led me to believe that we can go forward with this bill and make our roads safer. Thank you for the opportunity to speak this morning.

1110

Mr Mike Colle (Eglinton-Lawrence): I certainly applaud the member for bringing this bill forward, because I think it does enhance the debate around road safety, and we need that. The only thing is, I think his solution doesn't really solve what needs to be solved out there. For instance, there's all kinds of conflicting information.

A University of North Carolina study done in the year 2000 showed that cellphone use was only a 1.5% factor

in all distracted driver accidents. I wonder what distracted the drivers in the other 98.5%. I'll tell you what distracted the drivers: drinking coffee, eating doughnuts, talking, fooling around with the car radio, with the sophisticated stereo system. Those are all causes of accidents which are not dealt with and have to be dealt with, because it's all part of distraction. The Automobile Association of America reported in its own study that accidents were more likely to be caused by a driver changing a radio station, adjusting the air conditioning or eating or drinking than by using a cellphone. So there's competing and contradictory evidence in terms of what causes all these accidents.

Even the former Minister of Transportation, Mr Brad Clark, of Mr O'Toole's party, said that he disagrees with banning cellphones because drivers can be fined up to \$325 and lose six demerit points in Ontario for careless driving, and courts can suspend a driver's licence. But as we know, these careless driving fines and cases are very rare in this province. There are not enough. They should be enforcing the careless driving laws.

The Canada Safety Council disagrees with banning cellphones. Council president Emile Thérien, whom I know personally, said there is no empirical evidence linking cellphone use to accidents. He says, "Cellphones are a distraction. But so is coffee, screaming children, adults quarrelling." He says most studies are long on anecdotes but short on facts. He says cellphones are a distraction, but so is the coffee etc. Instead, Thérien says, and I agree, that there should be greater and stricter enforcement of existing careless driving laws, and that would save more lives than a cellphone ban.

As we know, in this province very little is done in terms of educating people about being more careful, not being distracted, by our Ministry of Transportation. They've spent very little time and money and resources educating people about being more careful.

The other interesting thing is, how can you stop people stuck in gridlock on the 401, who are driving five miles an hour for an hour, from answering a phone call from their wife or business associate? How can you tell that salesperson, who's losing hour after hour—and this is not just one day. Day after day there's gridlock all over southern Ontario. People are stuck in traffic. Are you going to tell them, "You can't pick up that phone"? I want to see that enforced. You can't enforce that, because in many ways those same drivers are going to be so angry. They're going to tell you that this is a government that basically has done nothing about gridlock and makes them sit in traffic all day, and then if they want to go to the 407, they have to pay a king's ransom to use it, and now they're going to tell them you can't use a cellphone as they're trying to make their sales calls, trying to get through the GTA and the Golden Horseshoe? You're going to have road rage, because these same drivers that you're going to say can't use a cellphone are going to say, "We as drivers in Ontario pay Queen's Park \$3 billion a year in licence fees and provincial gas tax. You're doing nothing about gridlock, and now you're going to

tell us that you're going to make the roads safer by telling me I can't conduct my business or phone my wife or phone my daughter while I'm stuck in traffic" on the 401 or the 400—you name it. Whether it's Oshawa or Whitby, there is total gridlock. We have taken over from LA as the gridlock capital of North America.

So maybe we should look at doing more public education about being careful in your car. We should be doing more public education about using public transit when we can. This government has ignored those things completely. Now it comes along—I think this member has the right goal and intention, to make our roads safer, and I applaud him for that, but let's look at the root causes of a lot of this careless driving, road rage that exists in this province. It's really abhorrent, considering we're one of the wealthiest jurisdictions in North America, that we can't basically move from A to B, and now we've got a government that's going to come along and tell us, "You can't use that phone."

There are 10 million people who have phones in this country and there have been fewer accidents since the cellphones came into being. There used to be one million cellphone users and now there are 10 million, but the rate of accidents has declined. So how does this make sense, that you've got to equate cellphone use with more accidents?

Sure, they're a problem because people are careless, but they are also careless as they're going to Tim Hortons and they're shoving doughnuts and bagels in their face and drinking coffee and putting on the stereo and doing who knows what in their car. Stick to driving, keep your eyes on the road, get rid of the gridlock, and maybe things would be better.

Mr Gilles Bisson (Timmins-James Bay): I'm pleased to be able to participate in this debate this morning. My friend Mr O'Toole brings forward this bill that wants to see the banning of cellphone use in motor vehicles across the province. At the risk of being written up by my friend Mr Brennan, who's up there, I want to tell a little story about one of the conversations I had about this bill. One of our researchers called me the other day and said, "Gilles, I just want to hear you out on what you have to say about this particular bill. I'm preparing the briefing note." Lo and behold, I got the phone call on my cellphone as I was driving my truck to the airport—I thought it was kind of ironic—at which point I did pull over, I must say. I always pull my car over and don't drive when using a cellphone.

I want to take this from a bit of a personal perspective because I agree with the bill.

Interjection.

Mr Bisson: When I fly my plane, there's no darn way I'm picking up that cellphone. Somebody actually did that on landing one time. I couldn't believe it. Anyway, that's another story.

I just wanted to say from a personal perspective what I think of this, and then from a policy perspective. I admit I was a frequent abuser of utilizing cellphones while driving. I thought, like most people, that you're in-

vincible, you can do no wrong, that "I'm such a great driver and I multi-task. It's not an issue. I can multi-task. I can drive my car, carry on a conversation etc."

I just want to recount one story that really sort of sobered me up real quick in not wanting to do that. I was stopped at a stop sign and was looking at the traffic—gee, my cellphone's going off. Isn't that the funniest thing? Let me get rid of that. It's OK: it's just a buzz. You don't have to worry about it. Anyway, the story is that I'm stopped at the stop sign, and as I'm looking for traffic and deciding if I'm going to proceed across a stop sign, my cellphone rings. I pick up my phone and answer, "Hi. How's it going?" In the period it took to answer that phone and leave, I almost ran over a pedestrian. The person had to slap the hood of my truck to let me know that I was about to run into them.

That really woke me up, because I never saw that person. That person was probably just behind a car rounding the corner, and in the time it took me to pick up my cellphone and open it up, I just lost sight of that person because all my attention was focused not on the physical picking up of the telephone—and this is what I wanted to speak to a little bit earlier—but on trying to concentrate on the conversation. I lost attention to what I was doing, which was driving my vehicle.

As a habitual user of cellphones in the past, I just want to say that I support this bill. It's not just a question of physically hanging on to the phone. It's the fact of carrying on the conversation. What happens is that your attention, even with a speakerphone, basically goes to the conversation you're having with somebody and takes you away from your primary task, which is driving the car. Now what I do is, if my cellphone rings, half of the time I just let it go into the voicemail, but if I feel I have to answer it, I just pull over. I find that's the easiest thing, because it's just so easy to get into an accident. Let alone what I would do to myself, the danger is what I can do to others.

So I support Mr O'Toole's bill. However, I want to say a couple of things about why I think this bill needs to go to committee. Mr O'Toole is putting exemptions into this legislation that I'm not quite clear about, whether it's the right thing to do. We're saying that emergency workers should have the ability to utilize their cellphones. I kind of thought that's why we had radio communication and all that stuff set up in emergency vehicles. I imagine there are instances where they may need to use a cellphone if their radio is not working, but I'm really a little bit muddled on that one. I think you need to take a look at the issue of if it's proper for people to actually pick these things up or to be carrying on those kinds of conversations on cellphones and if there is a potential for people to abuse their ability to use that in emergency vehicles. I think most of the dispatching we do is through the radio anyway, and I wonder why you bring that particular aspect to the bill.

1120

The other thing is that regarding this whole idea of saying, "Well, it's OK to have the speakerphones and to

be able to carry on a conversation in your car on a speakerphone," I don't do it myself. I refuse to put one of those things in. I've tried them before. I put one into my truck for a little test drive. I find they're just as distracting as the actual cellphone. The darned phone goes off, you're driving along, you've got to press the button on your phone in order to be able to activate the mike, so I've got to physically take my eyes from the windshield to get down there to activate the phone. Then all of a sudden you're having a conversation with somebody, and it's not like you've got a passenger in the car. If I have a passenger in my car and we're driving and there's something happening with the traffic flow, normally the passenger stops talking and allows me to do what I have to do to navigate my way through, because they see what I'm trying to do.

I just ask people to think about this for a second. I think people talking in a car and people talking on a cellphone are two different kinds of conversation. If we're talking to passengers in the car, it's just, "Hang on a second," and you do what you have to do as a driver, and the person knows you're doing that. When I'm having a conversation with somebody on a cellphone and if I happen to be driving and using one of these speakerphones, I'm not at all convinced that it's any safer than using the actual phone, because the person who is talking to me doesn't know exactly what I'm doing. You might be driving, you may be on a hands-free system or doing whatever, but it detracts from your attention to be able to do the safe thing, which is to drive.

I want to support this bill. We're going to vote in favour of it. But I really want this bill to go to committee, and I think the committee has to take a look at this issue and has to bring some of the experts before the committee in order to get a better read on if we should be looking at an all-out ban or if we should be talking about a partial ban such as what Mr O'Toole puts forward.

This is certainly better than nothing, so I support it on that basis, but I think we still need to take a look as legislators at the logic of doing what Mr O'Toole suggests, which is a partial ban. I think we need to take a look at that a little bit more.

That brings me to the other point, which is about how we make legislation and how we develop legislation in this assembly. It has always bugged me, because the government, as opposition members and private members do, when we bring legislative initiatives to the floor, often it's to react to an issue out there, which is a good thing. Nobody argues that members bringing forward issues and trying to resolve them by way of bills is a bad thing, but often they're not as well thought through as they need to be, because we don't utilize the committee process properly. There used to be a time in this Legislature when, if you wanted to pass any kind of a bill, the bill had to have some time in committee. The committee process was a very important one, because it said, "OK, a member or government has an initiative by way of a bill. Here's what they're trying to do, and they've tried to draft it as best they can according to what

they think the issues are," but we would refer the bills off to committee. We would actually take the time to listen to what people had to say on the bill, and then we spent some real time in clause-by-clause to amend the bill so that we could strengthen the bill and make sure the bill actually worked.

One of the things I find has been a big disservice to the legislative process here in Ontario—especially over the last number of years, under the Tory regime for sure and I would argue to a certain extent under other regimes before, including our own—is that we're not utilizing the committee process properly. We know what's going to happen to this bill. There are two issues. One is that most private members' bills never see the light of day at the end of the day anyway; they never get to third reading. But the bigger thing is that we are not using the committee process properly.

I'm just saying to all members of this assembly that we really need to look at the issue of how committees are structured in this Legislature and how we make the committee process work so that we actually do our jobs better when it comes to developing legislation that actually works. I implore members; we really need to, at some point, try to work that out. I don't believe it's going to happen in this Parliament. It's not in the interests of majority governments, with all respect to Mr O'Toole, of the cabinet to try to democratize the process. I don't believe that cabinets like to do that when they're in a majority position. But there will be a minority government next election, if you look at the polls, in all likelihood. In a minority Parliament, I can tell you, as New Democrats, we're going to be coming to the Legislature—

Interjections.

Mr Bisson: The Liberals laugh again about how they're doing in the polls. Listen to the Liberals. They're just so interested. They ran in 1990. They were going to be the government again. They got defeated by Bob Rae. Then they ran again in 1995. They were going to defeat Bob Rae the second time around, and the Tories got elected. You guys can't hold your lead, so don't talk to me and preach to me about where you are in the polls, because we all know elections are decided within about a 30-day process. Where parties are in the polls has some relevance prior to an election, but the decision is made—you only have to look at Mike Harris in 1995, a third-place party and in third place in the polls ended up becoming the number one party. David Peterson in 1990 was 65% in the polls. We were third and we ended up first. So don't go there.

All I'm saying is that the only time we're going to get an opportunity to really deal with the legislative process is by way of a minority Parliament. I'm suggesting that if there's a majority Parliament next time around, it's probably not going to get dealt with, because it's not going to be to the advantage of the governing party to deal with this issue. That's why I believe a minority Parliament would not be a bad thing next time around, because it will allow us to deal with a number of issues around how this Legislature has to function better.

Anyway, I want to get back to Mr O'Toole's bill quickly. The research that Mr O'Toole did in preparation for his bill talked about some of the stats having to do with the number of accidents that are caused by cellphones and how, in his view, one of the major culprits in causing accidents is cellphones. I would just say, go back and look at the numbers. Do you know the number one thing that causes accidents and mishaps on highways? Kids fighting in the back seat. Go back and take a look at all distractions to a driver. Kids in the back seat is a big one. When it comes to causing accidents, it's one of the culprits.

I say to Mr O'Toole that I support the bill. But I want the bill to go to committee because I think we need to take a look at how this bill could be made even better than it is today, so we really get to the root issue, which is, do we allow the use of cellphones, yes or no? I think that's really what the question is. I don't think it's a question of saying, "We allow speakerphones, but we don't allow a person to pick up the phone." I don't believe the act of picking up the cellphone and talking to somebody is what distracts the driver. I believe it's the conversation that distracts the driver. Doing that by way of a speakerphone or doing that by holding up a cellphone to your ear while driving I think is a bit of a moot point.

We need to make a policy decision. Do we think that cellphones are a problem, aye or nay? If we think cellphones are a problem while driving, then we have to make the decision policy-wise, do we ban them or do we allow them? I really think that's what it comes down to.

I'm saying that this is a good first step. We will support it because we think it at least starts the debate. I want to give Mr O'Toole some credit.

I also note that other members in the federal House have done a similar thing. I know that Mr Blaikie, who is one of the leadership hopefuls in the NDP race, has a bill before Parliament right now. He has also dealt with this and other provinces are trying to do the same. So this is a relatively new policy phenomenon that governments are having to turn their attention to. I think this is maybe a good process by which we do it.

In the couple of minutes I've got left, I want to come back to process. It really is a sad reflection on democracy that this private members' hour we have every Thursday morning is not as good as it could be. It's an excellent forum for members to bring forward initiatives, but there are a couple of issues that I want to note. One is, the number of times that members are allowed to bring bills into the House is basically once per Parliament, and that's hardly enough, in my view. I think you need to have a better process to allow members to bring bills before the House for debate. To do that, I think you have to balance off the need for the government to do its business and the need for the members to do their business as well, when it comes to different policy issues and debates we have to have about issues that are important to Ontarians that members want brought forward.

The second thing is—and I'm going to say again to Mr O'Toole that we're going to stand in this House today

and vote in favour of this legislation—if it gets to committee, boy, that will be something, because it will be one of the few private members' bills that actually does. There are maybe four or five private members' bills per year that make it to an actual committee. When it comes to getting to third reading, if it got there it would be one of the only ones that does, because far too often governments don't allow a private member's bill to happen. A good indication of that was what happened last spring with Marilyn Churley's bill.

Marilyn Churley had her clean drinking water act. The government, under Ernie Eves, had said inside his throne speech that he was going to support Marilyn Churley's bill in regard to clean water, but at one point the politics got such that the government said, "Hey, we're going to change her bill so much that we won't allow her to vote for it at third reading." And then it got caught up in this whole thing where the government didn't want the bill to go forward. So her bill got the deep-six, and here we are now having to deal with a government bill.

I'm just saying that there's a problem with a process that doesn't allow a private member's bill to really make it all the way through to the legislative process it needs to get through to deal with issues. One of the items I think we need to talk about, as members—and I know the Legislative Assembly committee could deal with this if they wanted to, but the government won't allow it, and I certainly have raised it at House leaders' meetings every Thursday, but the government House leader is not going to allow it—is that we really need to enhance the role of private members. We really need to enhance the role of backbench Tory members, or any government member, and opposition members because we're here to represent our constituents. We want to raise issues by way of debate and bills and motions in this House, and we need a greater ability to do that. The second thing is, we need to know that if we do that, it actually gets somewhere.

In closing, I just say to Mr O'Toole, congratulations. I know you've done a lot of work on this bill. Our New Democratic caucus will support this initiative, but we're saying it must get to committee. There are a number of issues we need to deal with and the quicker we do that, the better it will be for other people when it comes to the danger these cellphones may or may not cause.

1130

Mr Toby Barrett (Haldimand-Norfolk-Brant): I'm certainly pleased to speak in favour of Bill 49, introduced by my colleague John O'Toole, MPP for Durham. The most profound impact of Bill 49 is the role it will have to help educate drivers in Ontario. We know there is an enforcement component of this legislation.

In my previous work against drinking and driving, I think we all fully realized the value of programs like the RIDE program. It's a program that couples not only enforcement but also education. When you can inculcate a program of education and information, that is the icing on the cake to try and achieve some of the desired goals we have with this particular legislation.

I can also relate as an MPP who travels daily to Toronto. I have offices in Simcoe and Caledonia, and we

have a farm and I'm constantly in the vehicle doing business. I'm fully aware, as we all are, of the trials and tribulations of literally living in one's car. Hand-held cellphones and driving certainly do not mix. Try adding a radio and a pop or a coffee and a box of soda biscuits, breakfast, lunch—many of us have dinner in our vehicles—and it really gives new meaning to that old expression, "driven to distraction." In fact, it was the difficulty and the distraction of on-the-road calling that drove me to incorporate my phone as a hands-free device. I merely screwed a cradle to the floor of my vehicle and immediately noticed the improvement in the sense that I can now talk on the phone and have both hands on the wheel.

Documentation on the dangers of these kinds of distractions is widespread. We heard this morning what has become a well-known case of a fellow and his two-year-old daughter who were killed at a railway crossing in Pickering. The father apparently had been holding his cellphone up to his daughter's ear at the time of the accident. Four Canadians from Quebec were killed in Maryland when a driver was talking on her cellphone, lost control, went over a guardrail and landed on top of the vehicle the four were in, killing all four people.

Hopefully, a better informed and educated public, combined with a modicum of enforcement, can eliminate tragedies like these.

As I mentioned, support is widespread. Last March, Douglas Beirness, who is with the Traffic Injury Research Foundation, was quoted as stating, "Cellphones are becoming synonymous with distracted driving." When you talk about driver distraction, people say, "Cellphones." A poll done by Leger Marketing in September 2001 indicated that four out of five Canadians believe it should be illegal to talk on cellphones while driving unless a hands-free device is used.

Ontario is not the first jurisdiction to consider a ban on the use of hand-held cellphones while driving. Twenty-two countries have restricted the use of these phones, including Australia, Japan, Israel, Brazil, Portugal and Singapore. Legislation almost identical to Bill 49 came into effect in New York state in March of this year. It's obviously too early to have data on the effectiveness of this legislation; however, the outlook is very positive.

Private members' legislation has been put forward in Alberta and Nova Scotia. Legislation has been introduced in Newfoundland, and the provincial government hopes to have it passed into law this coming fall. I'd like to quote Walter Noel, Minister of Government Services and Lands for the province of Newfoundland and Labrador, who had this to say about this type of legislation: "Hand-held cellphone use while driving is a dangerous practice which can be effectively prohibited to help prevent accidents, save lives, reduce injuries and control insurance rates."

Both support and documented need for this legislation is widespread, and I for one encourage my fellow members in this Legislature to support Bill 49. Let's make the roads safer for all of us.

Mr George Smitherman (Toronto Centre-Rosedale):

I'll say at the outset that I'm going to be voting against this piece of legislation, because although there's a widespread public view and some statistical evidence that cellphones are a challenge with respect to road safety, no conclusive evidence has been presented that cellphones are the number one challenge we have with respect to road safety. I think we have a responsibility as legislators to involve ourselves in activities that have the effect not just of addressing populist held beliefs, but actually meaningfully getting at the source of the problem.

I found it interesting to hear a couple of members speak this morning. Mr O'Toole said in his remarks that a quick call to tell someone you're going to be late for a meeting constituted an emergency and therefore did not run up against the law in this case. I wondered whether exemption cards would be offered to Ontarians who, when a police officer pulled them over and wrote them up, could say, "I'm applying my O'Toole exemption. I've just called to let somebody know I was going to be late for a meeting. That constitutes an emergency and therefore I didn't break any rule." I hate to make too fine a point of it, but I think that highlights the extent to which this law, as proposed, is wholly unworkable.

Then we have the member from the north, from Timmins-James Bay—the far, far north—speak and say, "I support this legislation because it gets us going in the right direction, but it doesn't go far enough," and he looks forward to an opportunity at committee to amend this legislation, presumably, to be an outright ban on cellphones, which is far away, as I can understand it, from the intent of this legislation.

If this does get to committee and I have an opportunity to speak, I intend to move an amendment. It will be the veal parmigiana sandwich amendment. I will make this amendment because in my experience behind the wheel, which is reasonably pronounced—as the son of a trucker, I get out and about Ontario from time to time. I saw some guy eating a veal parmigiana sandwich with peppers and all, and that experience leads me to believe there are more serious impacts on road safety and distraction behind the wheel than cellphones. I think it helps to underscore the challenge with respect to legislation that is designed to address people's fears, but in practical terms is very difficult to define appropriately and to enforce.

I want to make another point, as a Torontonians, as someone who spends most of my time within 50 kilometres of this place. We're suffering through a kind of gridlock where the danger is that we will get institutionalized gridlock. This government likes to talk about what it has done, but it's a total abdication of any responsibility with respect to creating a transit and transportation system in the GTA that functions properly for people. It has meant that people spend a whole lot of rather unproductive time behind the wheel.

The Ontario Trucking Association estimates that the cost of gridlock in the GTA is \$2 billion for trucks that are having difficulty getting their commodity to market. I

think we can start to add an additional toll if we restrict the capacity of people, a lot of them Mr O'Toole's constituents and other residents of the 905, who spend way too much of their time behind the wheel in an unproductive fashion because the roads do not move any longer.

1140

Mr Bisson said this is certainly better than nothing. I'm not so sure. I'm not so sure that a well-intentioned piece of legislation that has a very, very difficult time being enforced is in fact good legislation, a good use of our time and a good use of our efforts.

We heard from the previous speaker that 22 other jurisdictions have taken legislation with some sort of ban. Well, let's take a wait-and-see approach, and let's see what those bans produce in terms of actual, proven, statistical evidence that bans and limitations are effective. I think we have a long way to go to be able to deal with that in a meaningful way.

So I would repeat what I said at the beginning, that I'll be voting against this legislation.

Mr Norm Miller (Parry Sound-Muskoka): It's my pleasure to rise today to support Mr O'Toole, the hard-working member for Durham, and his Bill 49, An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway.

Certainly Mr O'Toole has been working hard on this issue. He has had it before the House on another occasion, and he was busy this morning talking to the press about it. I believe part of what happens on private members' morning is raising awareness on an issue. I think that's what is happening this morning, and hopefully this bill will get passed and will go to committee. At committee, as the member for Durham has stated, we would then get into public consultations where there would be lots of time allowed for comment and discussion on the use of cellphones and also on other distractions that affect safety on our highways. Really, that's what this bill is all about: improving safety on our highways.

I do believe it's time to look at restrictions to do with the use of cellphones on the highways of Ontario. If it saves the life of one innocent person who might get run down at a stoplight while someone is distracted punching numbers into a cellphone, or prevents injury to a cyclist on a city street—a friend of ours from the riding was just involved in a serious cycling accident here in Toronto; I don't know whether cellphones had anything to do with it. But if we can do anything to prevent innocent people from being injured, I think we should be looking at it. That's what this bill is going to be doing. It's going to be bringing this important discussion into the committee and letting consultation occur so that we can figure out what makes the most sense.

I think what is being proposed is a rational first step, and that is that cellphones be allowed in a hands-free mode. The member for Timmins-James Bay was recounting an incident to do with being in stop-and-go traffic, and what if you get a phone call then? I think the

new technologies coming along allow you to answer the phone without having to punch any numbers into the phone. Actually, I personally have had the experience where I've been rammed in stop-and-go traffic, so all someone has to do is look down at their cellphone, try to punch some numbers in, and in that moment of distraction if the traffic stops in front of them, they end up running into the car in front of them. I think the hands-free aspect allows you to answer the phone without having to take two hands off the wheel.

We do need to be aware and we need to raise awareness among drivers of all distractions that affect their driving. When we're driving, we should be thinking about driving and we should have two hands on the wheel; we shouldn't be fiddling with the radio or eating or perhaps even drinking coffee. We need to be very conscious of the fact that when you're driving, you should be thinking about driving and being safe on the roads.

I spend an awful lot of time on the road and I have used a cellphone significantly, so I've had personal experience, learning the hard way from trying to punch numbers in and finding out when you look back up that you've switched lanes. I'm very aware that you need to be safe on the road. I'm aware that when you spend a lot of time on the road you do, at times, need to use a cellphone. Certainly last week I was back and forth to the beautiful riding of Parry Sound-Muskoka three times. Each trip is roughly five hours, so that was 15 hours last week I spent on the road getting back to important events happening in the beautiful riding of Parry Sound-Muskoka. So I think it makes sense for us to look at the hands-free use of cellphones.

Mr O'Toole is trying to get more information so that we can make rational decisions. But there certainly have been lots of studies done to this point which show that there are increased accidents that go along with the use of cellphones, and the purpose of Bill 49 is to help reduce the number of accidents on Ontario roads by banning the use of hand-held cellphones while driving to eliminate one of the most dangerous driver distractions and keep drivers' attention on the road.

There was a paper in the *New England Journal of Medicine* in 1997 that stated that cellphone users are four times more likely to be in a collision than non-users. This is roughly the same accident rate as drivers who are legally impaired. So that's an interesting comparison: the same as drinking and driving.

A February 2002 University of Montreal's Transportation Safety Laboratory study concluded that cellphone users have a 38% greater chance of having an accident than non-users. These are pretty startling statistics.

In 2001 the Harvard Center for Risk Analysis estimated at least 600 traffic deaths a year in the United States result from cellphone use. The center also reports that the risk of being killed by a driver talking on a cellphone is one in 1.5 million. That doesn't seem like the greatest odds, but you compare that to a one in 17.6 million chance of being killed by a drunk driver. So the odds of

being killed by a cellphone user are actually higher than the odds of being killed by a drunk driver.

The Canada Safety Council statistics indicate that 85% of all collisions are a result of driver error, which includes driver distraction. As I mentioned, that's not just cellphone use. We need to all be aware of other distractions in the car.

The Transport Research Laboratory in the United Kingdom found that drivers who use a cellphone are about 30% more impaired than drivers whose blood alcohol level is slightly above the legal limit. So once again, comparing it with drinking and driving, as a society, we're very aware that we shouldn't be drinking and driving and that that increases the risk of driving into innocent people—pedestrians, motorists, cyclists—so we need to raise awareness about the use of the cellphone.

A University of Utah study demonstrated that drivers involved in distracting activities—using a phone or adjusting the radio—missed twice as many traffic signals and took 10% longer to react than other drivers. I think that's a perfect illustration. You look down to answer the phone or pick it up and you go right through a red light. That's where innocent pedestrians or cyclists get seriously injured.

So I think this bill is certainly very timely. That's probably why Mr O'Toole just about missed his time here this morning, because he was busy with a lot of press who are interested in this important bill.

Certainly in Ontario we have some of the safest roads in North America; as a matter of fact, we have the safest roads in Canada. I think that's because we've been spending so much money on the roads in Ontario, putting a lot of emphasis on improving the road infrastructure. I know particularly in my riding of Parry Sound-Muskoka, there's been record investment in Highway 11, Highway 69. In fact, last week I was up to open another 14 kilometres of Highway 11 that's just been four-laned from Melissia to Emsdale. We're continuing to work very quickly toward four-laning Highway 69. You see the amount of work and money being spent on making the highways safer, particularly in northern Ontario. Of course, I'm PA to the Minister of Northern Development and Mines.

1150

We continue to spend record amounts of money in northern Ontario. I think it's roughly \$250 million a year. We've been working non-stop on Highway 69. You just have to come to my riding and see. I sometimes wonder what Mr Bartolucci is talking about, because we've been working non-stop, full speed, doing great work on Highway 69 in the beautiful riding of Parry Sound-Muskoka, making continued improvements to the safety of the highway. There's been a lot of investment in highways.

This is another important way of making our highways safer in the province of Ontario. I think it's important to raise public awareness and important that this go to committee and we get comment from interested groups and look at the latest studies and come up with legislation

that's going to be good for improving safety on the highways and streets for the people of Ontario.

I look forward to when this goes to the general government committee.

Mr Dominic Agostino (Hamilton East): I rise to speak for a few minutes on this issue. First of all, I certainly understand the intent of the member for Durham in bringing this forward. I know it's something he has been on top of for a while. I certainly don't question the motivation behind it, but I certainly question the validity or the purpose of this type of legislation being in place. Traffic accident fatalities are a dangerous and serious problem that we deal with in this province every day. But I think that to simply say, "Well, if we get rid of hand-held cellphones, we'll solve the problem," is a very simplistic, band-aid solution to something that's really much more complicated.

My colleague across the floor pointed out a whole bunch of studies that say accidents are caused by people on phones and so on. I've seen a number of studies that show that cellphones are a very small percentage of actual distractions that cause accidents. When you look at this, you say, "OK, we'll ban cellphones." That's great; that takes care of one little part of this. What are we doing about drive-throughs? Think about the distraction of eating. You go through McDonald's or Wendy's and pick up a hamburger or a drink and put it in your car. The expectation is—

Interjection.

Mr Agostino: I say to my colleague the minister, Mr Flaherty, that I do enjoy Tim Hortons coffee, and I'm sorry for not mentioning that.

The reality is, you pick up this hamburger, you pick up this drink and you're in the car. The expectation is that you're going to be eating this while you're driving. So you've got a hamburger in your hand, the thing starts dripping all over you, and you've got one hand on the wheel at this point. Now you're trying to make sure that whatever is dripping on you from the hamburger is not going all over your clothes, and you've got potentially a much greater danger and situation than you would have chatting on a cellphone.

This is a serious issue, and I take it as that. But there are other distractions. We've all seen people reading newspapers, looking at maps in front of them, putting on makeup and shaving while they're driving. Those are all serious issues. What I think we need to do is simply increase the penalties for distractions that would tend to cause accidents. There is a law in place already that deals with that. I think there have to be stiffer penalties for that, and there has to be greater enforcement, greater vigilance and greater public education in dealing with that. Cellphone use is a very small percentage of the type of distractions we talk about that cause accidents.

If you look at the number of cellphones on the market today in Canada—I think since 1994 we've gone from about one million to well over 10 million today. The number of traffic accidents has actually decreased in this

country by about 10%. You can't make a correlation between more use of cellphones and more accidents.

I say to my colleague that what I think we need to do is make a greater effort through driver training, through public education, through the schools, through the Ministry of Education, to ensure that people understand the dangers of driving while being distracted, while not paying attention.

You have someone right next to you and you're talking to that individual, or that individual is sitting in the back seat. To me, again, if you're not paying attention and concentrating, that is a greater distraction than talking on a cellphone. Are we now going to say we're going to ban drive-throughs, we're going to ban people from having coffee in the car? Are we going to ban passengers from the car because they might distract you?

Let's put this into perspective. It's a serious problem. Drivers not concentrating is a serious problem. But I think it's a very simplistic, hot-button topic of the day to suggest that if we simply ban hand-held cellphones, we're going to eliminate a big chunk of problems in this province. More enforcement, greater penalties, more police effort and more education is the answer.

Mr Tony Martin (Sault Ste Marie): I just want to be on the record to say that I'm betwixt and between on this bill. I don't know what is the actual biggest distraction out there where driving and safety is concerned.

I agree with the member from Hamilton that we need a wider discussion on this. So I'm going to be seconding the amendment, the veal parmesan sandwich amendment, put forward by the member from Toronto Centre-Rosedale, hoping that this will go to committee so we can talk about that.

The Acting Speaker: That concludes the time for debate. Response?

Mr O'Toole: In the brief time I have left, I would like to thank the Liberal and NDP opposition members who commented this morning. I really believe that the debate we've had this morning is important in trying to bring some conclusion.

I think the member from Eglinton-Lawrence stated pretty much the same thing as the member from Toronto Centre-Rosedale: that he saw the importance of the issue, but he thought there were other more important distractions. The member from Hamilton East said pretty much the same thing; he doesn't think it goes far enough. I think it is a good first step.

I was very impressed with the NDP member from Timmins-James Bay. He did go to some extent and also brought it into his own experience; I think that's worth sharing.

For the members present this morning, I want to take a moment and thank those people I've worked with to make this bill as strong as it is and encourage them to keep up the fight to help to move this debate forward. That would include Constable Mark Stone, who's in the gallery here this morning—he was the investigating officer in the case of the Richard Schewe and his daughter Mikaela's inquest that was just recently held in

Durham—and also Staff Sergeant Tom Whiteway, who is here this morning from the Durham Regional Police. Durham Regional Police, having the inquest, did bring it to focus. We have a supportive quote from Police Chief Kevin McAlpine.

I've certainly had a lot of support from my staff: Peter Kearns, who has done a tremendous amount of work—I want to thank you, Peter—as well as Martha Black, a legislative intern, who has been drawn into making this issue as important, well developed and researched as it is.

I've also spoken with chiefs of police, the OPP, the association's Bruce Millar and Brian Adkins, and also Maurice Pillion, the deputy commissioner for the OPP. They generally believe that it's a good first step.

The Acting Speaker: This completes the time allocated for debating ballot item number 62.

ONTARIO WATER RESOURCES AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LES RESSOURCES EN EAU DE L'ONTARIO

The Acting Speaker (Mr Michael A. Brown): We will now deal with ballot item number 61.

Mrs Marland has moved second reading of Bill 183, An Act to amend the Ontario Water Resources Act.

Is it the pleasure of the House that the motion carry? Carried.

Mrs Margaret Marland (Mississauga South): I would like to request that the bill be referred to the standing committee on justice and social policy.

The Acting Speaker: Mrs Marland has asked that the bill be referred to the standing committee on justice and social policy. Agreed? Agreed.

HIGHWAY TRAFFIC AMENDMENT ACT (CELLULAR PHONES), 2002

LOI DE 2002 MODIFIANT LE CODE DE LA ROUTE (TÉLÉPHONES CELLULAIRES)

The Acting Speaker (Mr Michael A. Brown): Now we will deal with ballot item number 62.

Mr O'Toole has moved second reading of Bill 49, An Act to amend the Highway Traffic Act to prohibit the use of phones and other equipment while driving on a highway.

Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

The motion is carried.

Mr John O'Toole (Durham): I thank the members of the House who supported the bill. It's my intention to refer it to the standing committee on general government.

The Acting Speaker: Mr O'Toole has asked that the bill be referred to the standing committee on general government. Agreed? Agreed.

All matters before the Legislature this morning having been dealt with, we will adjourn until 1:30 of the clock.

The House recessed from 1200 to 1330.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: Welcome back.

The Speaker (Hon Gary Carr): Thank you, I think.

MEMBERS' STATEMENTS

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): Let me bring the House up to date on the government's record since the tragic death on August 7 of Kelly Henderson and her twin sons, Jordin and Corbin. While the Premier of this province has ignored the pleas of a grieving father and grandfather; the government has ignored the suggestions of a grieving brother and uncle when it comes to increased signage past Killarney; has ignored the requests for a meeting with the Crash 69 committee; had ignored my requests for additional signage along the Highway 69 corridor between Sudbury and Parry Sound; has ignored the call from 26,000 residents of my community who want the four-laning of Highway 69 from Sudbury to Parry Sound to begin immediately; has ignored the resolution that has been passed by many northern municipalities, chambers of commerce, labour organizations, service clubs and education boards with regard to the four-laning of this highway—in fact, in reality the Premier and his government have been callous in their ignorance of the problems that are associated with Highway 69 between Sudbury and Parry Sound.

Today, I want to tell the government and I want to reinforce the facts that, one, the Crash 69 committee is not going away; my community's demand that you begin four-laning immediately is not going away; and your unforgiving lack of compassion toward this family is an indication of what you feel about residents in north-eastern Ontario.

YORK REGION CRIME STOPPERS

Mrs Julia Munro (York North): York region Crime Stoppers program has been so successful in its first year of operation that it won four first-place awards at an international Crime Stoppers conference.

At the 23rd Crime Stoppers International Training Conference in Ottawa, the York region program received the following awards: the television award for one of its Crime of the Week shows; first place for the recovery of drugs; first place for the recovery of stolen goods; and the most improved for stolen goods recovered.

In the category of stolen goods recovered, the York region program netted \$1.1 million worth of recovered goods in 2001, compared to \$119,000 the previous year.

Prior to July 2001, York region was part of the Toronto and region Crime Stoppers organization. Calls to the TIP line went directly to Toronto. Currently the call-in number remains the same, but York region calls are immediately rerouted to the York Regional Police.

The great success of the program can be attributed to increased advertising and the televising of Crime of the Week segments during such shows as Cops and America's Most Wanted.

Congratulations to Detective Constable Kim Killby and the York Regional Police for achieving such a great and successful program.

GATEHOUSE

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Yesterday I had the opportunity to visit a very special place called the Gatehouse, located on Lakeshore Boulevard in Etobicoke.

The Gatehouse is a privately funded and operated facility that provides a safe haven for children who are victims of child abuse. The Gatehouse provides a safe place for children to disclose abuse experiences and a mentor support system for adult survivors of historical child abuse. Families, police officers and children's service workers are able to bring children to the Gatehouse for evidential interviews. This provides a comfortable environment for children, who should not be interviewed in locations that make them feel that they've done something wrong, like a police station or even in the principal's office.

The wonderful workers at Gatehouse focus on the children and they have worked very hard to provide a service that is needed throughout Ontario to assist children and families who deal with the horror of child abuse. To date, this facility has helped over 1,300 people whose lives have been affected by child abuse, and sadly, their numbers continue to grow.

The Gatehouse is a best-practice site for supporting victims of child abuse. I would encourage this government to use it as a model for many more that are sadly and sorely needed across the province.

LEGISLATIVE PAGES

Mr John O'Toole (Durham): I'm pleased to rise in the House today to pay tribute to the legislative page program, and also to mention a family in my riding who have had four children, each of whom has served as legislative pages. It is our policy not to use the last name of pages. However, I would like to point out that Philip, who is currently serving in this House, has been preceded by his two brothers and sister. Philip's older brother, Seth, was here about six years ago, followed by his sister, Ava, and his younger brother, Jared. They are all from my riding of Durham, and have indeed all served with distinction in this Legislature—like myself, I hope.

It is my privilege to meet and work with young people like Philip, Seth, Ava and Jared. I might say I've had 10

pages since I was first elected in 1995. Naturally, I am especially proud of all Durham riding students who have been selected. However, I think it is noteworthy that four members of one family have been chosen over the past six years. It speaks loudly to the family's commitment to education and participation.

I'd like to point out to this House that other pages have had the opportunity to be present for major events and decisions that most Ontarians only see, hear or read about in the media. They leave Queen's Park with a clearer understanding and appreciation of the political process and our parliamentary traditions, some of which you'd like to forget.

I'd also like to mention that this program is open to all grade 7 and 8 students who maintain a level 4 scholastic achievement and who are actively involved in a variety of extracurricular activities, both in school and the community. While MPPs have no jurisdiction in selecting pages, I am sure MPP constituency offices would be pleased to supply—

The Speaker (Hon Gary Carr): Sorry. It's well over your time; I need to cut you off.

DANI HARDER

Mr David Caplan (Don Valley East): I rise in sadness in tribute to a constituent of mine, Dani Harder, who passed away last Friday at the age of 28. Although confined to a wheelchair by her severe cerebral palsy and restricted by an inability to speak without the use of her computer, Dani led a most remarkable life and inspired those around her.

Dani taught at Frontier College. She loved the theatre and even acted in a play with Don Harron. Despite her disabilities, she attended university and even participated in last year's Toronto International Marathon. Even more inspiring was her determination to live the life that she wanted and deserved: independently in our community.

Until the day she died, Dani and her family refused attempt after attempt to discharge her to a long-term-care facility or to an inappropriate community placement. It appalls me that of all of the roadblocks in her life, the biggest one came from the Harris-Eves government. Having no policy to deal with people of Dani's age and needs, the Ministry of Health and Long-Term Care resisted all attempts to give her what she wanted, all in the name of dollars.

The minister should take note: this case isn't closed. Dani's indomitable spirit will live on, and the fight for appropriate and properly funded housing options will continue. Dani's struggle against this government highlights the need for public policy that has real respect for the wishes of the people it touches. Dani's strength will continue to motivate me and others who were touched by her. Dani, her parents, Karen and Roger, and her brothers, Mathew and Lucas, deserve that from us. I know that we're going to continue this fight in tribute to this remarkable, inspirational young woman.

EDUCATIONAL ASSISTANTS

Mr David Christopherson (Hamilton West): This morning, almost 500 educational assistants were forced from the classroom by this government. You can't hide this time behind duly elected trustees, because you fired them. The only people at the bargaining table is this government through your appointed supervisor. Therefore, you have direct responsibility for the almost 1,000 children with special needs who aren't in the classroom this morning because their educational assistants aren't there.

Lest you think it's just us criticizing you, let me tell you what's going on in our community. Robert Peters, who's chair of our board's special education advisory committee, said this: "You've just taken Timothy's ability to read right away from him. Educational assistants play a crucial and vital role." His son Timothy is blind.

1340

Judy Colantino has two children with special needs. One is a 17-year-old daughter named Katie, and she's a quadriplegic. And she has a son, and he has Down's syndrome. You know what she says? "I feel very strongly about supporting them. They are watching out for the most vulnerable people in the system." It's time this government took responsibility for your share of taking care of vulnerable people in our community. You've got to do something. This is not acceptable.

PERSONS DAY

Mrs Margaret Marland (Mississauga South): Today we are honouring a milestone in the history of Canadian women. Today is Persons Day. It was only 73 years ago, on October 18, 1929, that the British Privy Council decided women were persons under Canadian law.

We owe that landmark ruling to five outstanding women, women who took their fight all the way to the Privy Council in England, the highest court in Canada back then. Those Famous Five, as they were called, won that fight: Emily Murphy, Louise McKinney, Irene Parlby, Henrietta Muir Edwards and Nellie McClung. These names changed the lives of women of their generation and of all future generations. Thanks to the legacy of the Famous Five, we can point to a stunning record of women's contributions to this province.

Persons Day is a focal day in October, which is Women's History Month. Every year, this month is designated to celebrate the contributions of women past and present who have shaped Canada in so many ways. In business, in the community, in the arts, in politics and in sports, women have established new pathways, and they continue to pierce the glass ceiling.

Mr Speaker, I welcome this opportunity to honour Ontario's many remarkable women.

GOVERNMENT'S AGENDA

Mr Dwight Duncan (Windsor-St Clair): It's with some sorrow that I report to the House on what's been

happening in here—or not happening—over the first few weeks of this session.

In the Peterson minority government, less than 1% of bills were passed with time allocation; in the Peterson majority, 2%, and in the Rae government, 11%. In the first Harris government, 30% were thus passed. In the second Harris government, from 1999-2002, we're up to 55.2%.

But do you know who holds the record as of today? Ernie Eves. We're up to 75% time allocation. And do you know what's amazing? They are time-allocating bills that all three of the political parties support. They can't even get these minuscule bills passed that the third party supports, the official opposition supports, and presumably they support.

It's not like we have a lot of items on our agenda. They've introduced nothing. Where's the safe drinking water legislation? Where are the guidelines for cabinet ministers' expenditures? Where is an agenda that shows a government in charge?

That agenda rests with Dalton McGuinty. That's where the real leadership is coming from in this House today. That's what is going to save this province from a government that's tired, old, stale and undemocratic. It's time for a change. Dalton McGuinty and the Ontario Liberal Party are that change.

VISITORS

Mr Ted Chudleigh (Halton): On a point of order, Mr Speaker: I'd like to introduce the grade 8 class from Centennial Public School in Georgetown, Ontario. Megan McCrae, one of our pages here these past few weeks, is normally a member of this class, and this class came down today and surprised Megan during the parade on the grand staircase. Megan was very surprised.

I'd like to welcome them to this building and thank their teacher, Madam White, for bringing them down.

Mr Gerry Phillips (Scarborough-Agincourt): On a brief point of order, Mr Speaker: The area I represent is proud to have an outstanding young page, Kyle Gulab. His mother and father are here with us, if I might introduce them. Rosanne and Phillip Gulab, welcome.

PROSPERITY 2002

Mr R. Gary Stewart (Peterborough): We can introduce everybody else and then there's no problem.

Recently I attended a significant event in my riding of Peterborough: Prosperity 2002, the Business to Business Marketplace exhibition. This exhibition was organized and hosted by the Greater Peterborough Chamber of Commerce. The Marketplace is designed to offer area businesses the opportunity to reduce the costs of goods and services they purchase by buying locally. At the same time, these businesses had the opportunity of showcasing and marketing products and services under one roof.

There were over 80 business exhibitors that participated in Prosperity 2002. This was a great kick-off to Small Business Month, which recognizes that small business is the backbone of the Ontario economy.

Over the last year there has been a significant increase in the number of new businesses that have located in my riding of Peterborough. These businesses have created new job opportunities as well as renewed confidence in the well-being of our community.

I would like to commend the general manager of the Greater Peterborough Chamber of Commerce, Mr Doug Armstrong, as well as all his team, for the excellent job they did in organizing this showcase event, and we must not forget all the businesses that participated in this unique opportunity to demonstrate their individual products and services.

Mr Dwight Duncan (Windsor-St Clair): On a point of order: Mr Speaker, I seek your direction and assistance with a matter. Earlier today we were informed that the Minister of Training, Colleges and Universities was unable to be in the Legislature today for question period. We have since learned that her absence today is due to the fact she is doing media interviews in her office here while question period is on. It makes it difficult for us to pose questions. We believe the double cohort issue is extremely important and wonder if there is any redress in the standing orders, to you, to help compel ministers to attend question period rather than do media interviews in their office?

The Speaker (Hon Gary Carr): Unfortunately, some people would wish there were but there is not. The Speaker has no control over who is here and who is not.

LEGISLATIVE PAGES

The Speaker (Hon Gary Carr): Just before we begin, on behalf of the members of the Legislature and myself, I would like to thank our pages for their help over the past few weeks. It has been a pleasure to get to know this great group of pages, but unfortunately it is their last day. I would like to wish each and every one of them success in their future endeavours. I'm sure all members would like to join us in thanking all our great pages. To the parents who are here and those who are watching, you can be very proud of your sons and daughters. They are a fine group of young people.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr Ted Chudleigh (Halton): I beg leave to present a report by the standing committee on general government and move its adoption.

Clerk at the Table (Ms Lisa Freedman): Your committee begs to report the following bill as amended:

Bill 148, An Act to provide for declarations of death in certain circumstances and to amend the Emergency Plans Act / Projet de loi 148, Loi prévoyant la déclaration de décès dans certaines circonstances et modifiant la Loi sur les mesures d'urgence.

The Speaker (Hon Gary Carr): Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

1350

ORAL QUESTIONS

POST-SECONDARY EDUCATION

Mrs Marie Bountrogianni (Hamilton Mountain): My question is for the Deputy Premier. I have in my hands a copy of the confidential study done for the Ministry of Education on the double cohort. You've been sitting on this report since August and now we know why. It says very clearly that you and the Minister of Training, Colleges and Universities have failed our children. We now know that you have purposely low-balled your estimates of the number of kids graduating this year. Minister Cunningham said only 60% would go on to university. Now we know that number is more like 75% or even higher.

Deputy Premier, parents are worried their kids won't get into school. Our children are terrified that your mismanagement and incompetence will ruin their lives. You've had this report since August. You have known about the problem but publicly denied there is a problem. Why did you and Minister Cunningham try to keep this information from Ontario's parents and children?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I would be most pleased to respond to the member opposite. I think one thing we need to do is set the record straight. Despite the allegations that have been made, I have not yet seen the report. It's also important to know that this is a report our government commissioned. I can tell you that we have not received a final version of the report. We look forward to receiving it. I have also asked the ministry to put on the Web site the 230-plus pages of the text as soon as possible. I understand there are appendices also, and once they have been received they will also be put on the Web site.

Mrs Bountrogianni: Deputy Premier, this is the executive summary. You received the report in August. It's very clear. It says you aren't funding enough spaces for our kids. We are short 5,000 to 7,000 spaces for our children next year. This is a report, by the way, that you commissioned. These are students who in any other year would have been accepted to university, but because of your government's incompetence and mismanagement won't get in.

This isn't news to you. We have been warning you about this problem for years. Now we learn your own experts have been warning you, but instead of acting, you and Minister Cunningham tried to hide the evidence.

Playing games of hide-and-seek while our children's future is at risk is reckless and unacceptable. These children have been punched around by your government for four years. What is your explanation for why you and Minister Cunningham have failed to plan for this crisis?

Hon Mrs Witmer: I'm really quite surprised and quite shocked at the accusations that have been made by the member opposite. If the member opposite has a copy of the final report, I would certainly appreciate receiving it. I would just emphasize that I have not yet seen the report, but I have asked the ministry staff.

If we take a look at the double cohort, my colleague at the Ministry of Education and Training has said time and time again that we have made provisions and we have made a commitment to ensure that every willing and qualified student in Ontario is going to be able to attend a college or a university. We have spent over \$2.2 billion to expand our colleges and universities. We have created new space for over 79,000 students. I can assure you there is space for all the students.

Mrs Bountrogianni: Part of this report shows that students don't trust what you say. I say to you that both you and Minister Dianne Cunningham should be ashamed of yourselves. This is a problem you both created and failed to fix. You've had years to plan for this crisis and you have failed miserably. Parents and students are terrified. We have evidence that you have failed to plan and evidence that you tried to hide it from the Ontario public. We saw earlier this week that Minister Cunningham doesn't think the public has a right to know what government is doing, but on this side of the House, we do think the public has a right to know.

Deputy Premier, this is the single largest issue the minister responsible has had to deal with and she has failed miserably. The two of you have jeopardized the future of thousands of Ontario kids, to the point where some are desperate and depressed. Every step of the way you have failed these kids. Your mistakes have only been eclipsed by Minister Cunningham's incompetence and her attempts to cover up that incompetence. She's in over her head. Tell me why she—

The Speaker (Hon Gary Carr): The question has been asked. Your time is up.

Hon Mrs Witmer: These allegations are very surprising. They're very shocking.

Interjections.

The Speaker: Would the member take her seat. The member for Kingston and the Islands, come to order. Sorry, Deputy Premier.

Hon Mrs Witmer: They're very shocking. This report by Alan King was a report that our government commissioned in order to determine how well our students were doing. I can assure the members opposite, I can assure the people in Ontario, that our government has undertaken to invest the money to ensure that we have the programs and we have the services so that all the students can be accommodated.

In fact, if you'd talked to the presidents of the universities in the province of Ontario—I have heard them

say themselves that they are ready to accommodate the double cohort.

KYOTO PROTOCOL

Mr James J. Bradley (St Catharines): I have a question for the Deputy Premier that concerns where the government is getting its marching orders, where government MPPs are getting their marching orders on the Kyoto accord. I know the Deputy Premier would be very concerned about this as well, as a former environment minister. I would be directing this to the environment minister if it were possible today, or to the Premier, but I'll have to direct it to the Deputy Premier.

This morning we received from National Public Relations—that's Guy Giorno's group that he runs now. He's the one who had the reception for the people against the Kyoto accord. I got this specifically from them this morning. It's a letter suggesting what MPPs might say in any op-ed news pieces or in letters to constituents and so on.

At 12:26 pm, it said, "Unfortunately, materials from the Canadian Coalition for Responsible Environmental Solutions were sent to your office in error in a previous e-mail. I do apologize for any inconvenience."

Is it true, then, that they were simply giving this information to Conservative MPPs to spout exactly what they are saying about the Kyoto accord?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I have no knowledge or information about what has been said here, but I can tell the member opposite that I think our Premier has made it quite clear that we do support taking very positive, concrete action on climate change. We're very committed to reducing greenhouse gas emissions. We believe that our government has a very impressive record of tackling air quality. We have implemented Drive Clean; we've introduced the Smog Patrol; we have a clean air plan; we've placed strict caps on power plant emissions. We were the ones that announced that Lakeview would cease burning coal in 2005. We are committed to exempt biodiesel from the 14.3-cents-per-litre fuel tax, and we are encouraging the government fleet to look at alternative fuels.

So we support the reduction in greenhouse gas emissions, and we're going to make sure we continue to be the leaders in Canada.

Mr Bradley: The anti-environment coalition that was here on Tuesday at a reception includes the following groups: the Canadian Association of Oilwell Drilling Contractors, the Canadian Association of Petroleum Landmen, the Canadian Association of Petroleum Producers and the Canadian Plastics Industry Association. Several of these companies are definitely an industry group and certainly have an impressive record on so many occasions of opposing any major environmental endeavour in years gone by.

Now they have sent to Liberal members, mistakenly, a letter where we're supposed to say, "The Ernie Eves government is greatly concerned about those problems...."

Premier Eves and the other provincial leaders have been asking for a detailed plan, to no avail."

What I'm worried about is that you're getting your marching orders from an anti-environment coalition headed up by Guy Giorno, a friend of the Minister of Energy. Can you assure us that that is not the case?

Hon Mrs Witmer: I can certainly assure the member that that is not the case. Our Premier has made it very clear that we are committed to the reduction of greenhouse gas emissions. We want to take positive action on climate change. We are looking forward to hearing the federal government's position on how they plan to achieve the goals of the Kyoto agreement, and we're also anxious to know what the economic impact is going to be.

1400

Mr Bradley: When Guy Giorno announced he was leaving Queen's Park as the chief political operative of the Premier, I thought that going with him would be his bizarre ideas about the environment. I thought you were an environment minister who had some hope, and I listened to what you had to say during the leadership campaign.

Are you not now disappointed that we get a letter in the Liberal caucus—obviously it shouldn't have come to us—suggesting what people should be writing in op-ed pieces to the newspapers, in their householders and in letters to constituents, and that this is coming from Guy Giorno's group, National Public Relations representing the coalition of anti-environment people who always show up when there's a major environmental initiative? Are you not concerned about that, and is it not true, is it not obvious now that that is who is calling the shots for members of the Conservative caucus?

Hon Mrs Witmer: I guess I was left off the mailing list, but let me reiterate what I said before. Our Premier and certainly our minister have made it abundantly clear that this province has always had a very good track record. We want to continue to ensure that we reduce greenhouse gas emissions, and we're going to do that.

POST-SECONDARY EDUCATION

Mr Rosario Marchese (Trinity-Spadina): A question to the Deputy Premier. Ontario's educational system is in shambles, whether it be strikes at elementary schools in Hamilton or the double cohort crisis that is affecting every university in this province.

You and the minister of post-secondary education constantly say, "We are ready for the double cohort." Dr Alan King says, in a report you commissioned, "Announcements being made by universities of plans for spaces to be made available in 2003 show that those plans clearly fall short of growth projections." Seven thousand students are not going to make it to universities.

You constantly tell us one thing, that you're ready. This report contradicts your public announcements. Don't tell me that the 10 or 12 staff you've got and the 10 or 12 staff that Minister Cunningham has are not suffi-

ent or haven't had the time to study these reports. Explain the contradictions. Deal with the facts that Dr Alan King has presented to us and your own announcement that says you are ready.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'm going to refer the question to the Minister of Training.

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): I think everyone knows there will be a place for every qualified and motivated student. That was the message last night at the 60th anniversary of Carleton University, where Dr Richard Van Loon, the president, said to the alumni audience and those who have young people who will be going into the double cohort not to worry, there will be a space for them. The presidents are saying it; the high schools are saying it.

Interjections.

Hon Mrs Cunningham: I feel like I'm answering more than one question, but that's fine.

We are very aware of different scenarios. This report is a scenario that says about 75% of students who would like to go to university will graduate on time, and that makes 6,000 more. It's not difficult for me to read the media, like everybody else. The numbers Dr King is using are the same numbers our ministry uses in making our own—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. Thanks, Minister. Supplementary?

Mr Marchese: Deputy Premier, the problem is not limited to universities—

Interjection.

Mr Marchese: Deputy Premier, I'm talking to you, by the way. Your new high school curriculum is failing students. Dr Alan King, the same person I made reference to just a moment ago, says in the study he's done on the quality of education: "A serious problem has been created."

I am telling you that students taking vocational courses are doing worse in mathematics, worse in the sciences and are on the verge of dropping out in unprecedented numbers. In the words of your expert, "These findings present a bleak picture for the progress of students taking mainly applied courses."

Deputy Premier, the lives of students are at stake. What are you going to do to help those young people?

Hon Mrs Witmer: Just keep in mind that we did ask for this report. We are very concerned, always, about the success that our students have in Ontario, so we asked Dr King. We commissioned this report. We wanted to get the opinion as to how well our students were doing in order that we could provide the support that would be necessary.

Keep in mind that about 20% of our students are in applied courses; be keeping in mind as well that there have always been students who unfortunately do drop out. Obviously, with this information that we're going to have, we're going to be able to put in place appropriate

remediation programs to help these students who need our help, as we have already done.

The Speaker: Final supplementary.

Mr David Christopherson (Hamilton West): Minister, you just finished saying, and I jotted it down, that you care about the success of students in this province.

Does that not include children with special needs? Right now there are almost a thousand of those children in Hamilton who aren't in the classroom because their educational assistants have been forced from the classroom by your appointed supervisor. I asked you a couple of days ago what you were going to do to avert this strike. Obviously, you've done nothing.

The Speaker: The member knows that the supplementaries have to be related. This isn't related at all to the first question. If we could continue on and try to make it relate to the original question—you can't ask three questions in one. The supplementaries, and I'm fairly lenient, and you can do it if you have a little bit of style: you can tie them together.

Interjections.

The Speaker: Just a minute. Thank you very much. I'll let the member continue but it has to be along the same lines, otherwise we're going to have to move on to the next question.

Mr Christopherson: I understand your point, Speaker. Thank you. If I step out again, stop me, because I'm trying to stay within.

The minister said in this place that she cared about the success of students, so the minister has broadened this to include this government caring about the system. I want to know what the minister is going to do about those children in Hamilton as part of her commitment to children in the education system.

The Speaker: No, it's not related at all. You can't ask a question about the cohort and then go in about the strike, I'm sorry. I give you some leeway to do it, but what happens is that when I do give you leeway, you get carried away and it continues and it continues, and I can't allow that.

We're now going to move on to the new question, which is the NDP as well. From now on, just before you continue on, the questions have to be related to the original question. You can tie it together if you are properly able to do it, but you can't ask three questions in one. Either that, or we change the standing orders to allow it. Presently they do not.

The member for Trinity-Spadina.

Mr Marchese: On a point of order, if I can, Mr Chair, to give you the framework: In my first question, Ontario's education system is in jeopardy—

The Speaker: No, no. If I don't understand it—you can't explain it to me. It has to tie. I'm very lenient, and the member will know I'm very, very lenient in doing that, but there are certain lines. The problem I have in being lenient is that when I allow it to go once, it become the standard procedure. The leader of the third party does it, and on occasion the member for Toronto-Danforth has gone off and asked a completely different question, and

I'm going to have to put my foot down on this and not allow it.

We're now going to go to the next question. I would ask you in the future: the standing orders are very clear that they need to be tied. If you stand up and you have to explain it to me, then they don't tie in very well, because I do give you quite a bit of leeway.

New question.

AUTISM TREATMENT

Ms Shelley Martel (Nickel Belt): I have a question for the Deputy Premier. There are thousands of Ontario children who suffer from autism. You know that IBI is a proven treatment for this neurological illness, but your government continues to deny hundreds of children this necessary medical treatment.

The BC Court of Appeal has recently ruled that withholding IBI treatment violates an autistic child's human rights. The court has ordered that the government fund IBI treatment for all children who need it and the court has also made it clear that the order will be enforced.

Ontario families are preparing to take your government to court to try and get the IBI treatment they need for their children. Deputy Premier, will you save these families a long and expensive court battle and fully fund IBI treatment for all autistic children in Ontario who need it?

1410

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): Mr Speaker, I'm going to refer that to the Minister of Community, Family and Children's Services.

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I thank the colleague across the way for the question. We care very much about the needs of the children in Ontario and have worked very hard to try to give them the support they need, particularly in the field of autism, and that is why we are the first government in Ontario ever to fund an intensive intervention program for children with autism. Our program is designed for children between the ages of two and five, and it was designed particularly that way, considering that autism research clearly indicates that early intervention for children is the most effective.

When we introduced this program in 1999, we committed \$5 million to this very innovative program. I want to say to you that now, only a few years later, that has increased eightfold, to \$39 million.

Ms Martel: Deputy Premier, the question was, will you fully fund IBI treatment, as the government in BC is now being forced to do? Let me put a name to some of the children in need: Tyler French was on a waiting list for treatment for two and a half years. He never received funding, and now that he is six, he never will. Eric Segal's mother, Sharon, is here with us today. She is terrified about what is going to happen to her son with respect to the limited funding he gets when he is cut off five months from now. Katie Andrew-Turner's parents have just started to see an improvement in their daughter's condition. They've just been told that her

treatment will be cut off in January, one day before her sixth birthday.

Deputy Premier, don't force these children and these families into court to get the treatment they need. Will you do the right thing? Will you fully fund IBI for autistic children in Ontario who need it?

Hon Mrs Elliott: Again I would say that just a few years ago in Ontario none of these kinds of programs were available, and that is why we have worked very hard to introduce, and to increase eightfold in just a few years, intensive behaviour therapy.

We are working hard to increase our capacity and our ability to provide this service. It requires highly trained therapists, and that's one of our challenges. It's extremely difficult to find enough individuals who are trained to provide this service, but in fact that is part of what our \$39 million is doing: trying to recruit and train more staff who are able to provide this very challenging service, because we know how very beneficial it is to children delivered at the right time. Can we do more? Yes, we can. Will we do more? We are working to do just that.

EDUCATIONAL ASSISTANTS

Mr Dominic Agostino (Hamilton East): My question is to the Minister of Education. This morning, hundreds of young people in Hamilton, kids with special needs, were forced to stay home because of the situation with the educational assistants being on strike. Young people like Katie, 17, who is a quadriplegic; her brother, 12, who has Down's syndrome; Timothy, who is blind and needs an EA to transcribe his work; and hundreds of others like these folks are at home today, not in school.

Your handpicked, appointed supervisor, who acts on your behalf, has been negotiating to try to get an agreement. The problem is very simply that you have set a standard and you've set a platform that it is unreasonable to reach any type of fair settlement without hurting these kids.

Minister, you're responsible now. You have fired the role of the trustees. You have now appointed yourself and Ernie Eves as chairs of the board. You're responsible for these kids being home. Will you stand up today and guarantee us that you'll ensure that enough money is sent to the Hamilton board to settle this dispute and get these kids back into their classrooms?

Hon Mrs Witmer: I certainly share the concern of the member opposite for these children, but I think we need to point out, in all fairness, that the supervisor inherited this current labour dispute. It actually dates back to August 31, 2001. Parents of special education children were contacted last week by the supervisor to be apprised of the situation. Parents of special-needs students who required intensive support were also contacted by their local principals, and the advice was given that obviously they needed to consider the situation.

I understand that the dialogue is continuing between the parties. I am very confident that with good will on both sides, a fair settlement can be reached.

Mr Agostino: Minister, I just find it amazing that you've washed your hands of any responsibility. You got rid of the school board. You appointed the supervisor. You are the negotiator now. You are the elected official that these parents in Hamilton are looking to for leadership, direction and to solve this problem. And you can't put it off on someone else. You know what your hand-picked supervisor has offered for the first year of the contract? Zero per cent. Most people see that as being unreasonable.

Minister, I believe that you and your government intentionally wanted the strike to use it as an opportunity to save money on the backs of these young kids who need the help. You have a responsibility here. You can't walk away from this. Your supervisor has admitted in the paper this morning that it's a money issue. There's not enough money to solve this problem, Minister, and these kids are paying a heavy price because of your arrogance. You are in charge. You took on that responsibility when you fired the board.

I'm going to ask you again: parents are looking to you as the only elected official who can fix this. Will you today guarantee—

The Speaker (Hon Gary Carr): The member's time is up.

Hon Mrs Witmer: I pointed out in my first comment that unfortunately this is an inherited labour dispute that goes back to the time of the other board. It goes back to August 31, 2001; however, I have every confidence that the parties involved will work together, consider the interests of the children and reach a fair settlement.

ONTARIO ECONOMY

Mr Garfield Dunlop (Simcoe North): My question today is for the Minister of Finance, and it relates to the recent news reports of jobs being created, which is an indication of a strong economy here in our province. There are, however, many news reports out there of economic uncertainty, falling stock markets and an economic slowdown in the United States. Statistics Canada recently released its job numbers for the month of September.

Minister, can you please tell us how we are doing here in Ontario with respect to job gains in light of some of the economic news around the rest of the world?

Hon Janet Ecker (Minister of Finance): I thank the member for Simcoe North. He quite rightly has pointed out that Stats Canada has released its September job report, and it is another good-news story for Ontario employees, Ontario's working families. It's reported that we've added over 32,000 net new jobs to the economy during September, and that's basically 1,000 jobs a day being produced by the hard work of our business sector and our employees out there. This is hot on the heels of a gain of over 43,000 jobs in August. We have seen net job gains in 11 of the past 12 months.

So Ontario is doing well on the job front. We know that one of the reasons they are doing that, one of the

factors that has helped do that is by this government paying attention to the economic fundamentals of lower taxes, competitive taxes, less red tape, making key investments in infrastructure. We're going to stay on that track because we know it is the right track for producing even more jobs in Ontario.

Mr Dunlop: Thank you very much, Minister, for that response. It's incredible to think that with the negative news we hear that there's actually 1,000 jobs a day being created here in Ontario.

Minister, I'd also be interested in knowing how Ontario's job creation numbers compare to the rest of Canada. The September job numbers also showed that Ontario's unemployment rate is lower than Canada's national unemployment rate: 7.3% here in Ontario compared to a higher jobless rate for the rest of Canada of 7.7%.

Since 1995, the Ontario example has shown that our economic policies by our government help create jobs. With the most recent increases in Ontario jobs in September, are we just riding on the coattails of the other provinces or is Ontario perhaps doing something right that we continue to experience these unbelievable employment gains here?

Hon Mrs Ecker: Frankly, one of the good-news stories about this is that Ontario has actually been outperforming our competing jurisdictions; for example, over three quarters of the net new jobs created in Canada were created right here, generated right here in Ontario. Private sector forecasters are anticipating that we will be the top-performing economy over this period, outpacing the economic performance of all of the G7 nations. That's because this government, when we were first elected in 1995, laid out the economic fundamentals to support growth, to support prosperity, to give our citizens \$11 billion in tax relief.

We understand the Liberal Party doesn't understand that. They want to increase taxes on the key job generators in our province. They want to put more red tape in the way of people who can create jobs. We on this side of the House understand what creates growth and prosperity. We're going to continue—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

1420

EDUCATION

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. I want to talk to you about the double indictment you received today in the report that was released by Dr King from Queen's University. Not only are you failing the kids who aspire to go to college and university, you are failing them before they even get out of high school. Absolutely crystal clear, something you should have known as education minister, is that two thirds of these kids are falling behind. Minister, they are being left behind. They're not passing their courses, they're not getting particularly

ready for college in the future. They're not doing that because you and your predecessors have turned a blind eye, because you didn't do what Dalton McGuinty and I asked you to do in June, which is help these curriculum casualties that you have helped to create. You have the curriculum but you have not committed the resources or the assistance to actually be successful.

Now that you're being told yet again—there is still six and a half months left in the school year. Will you act to see that these kids get the remedial support and the extra help they need so they can succeed in their courses and go on to college? Or will you do what you've done up till now, which is abandon them?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I find it unbelievable that these people continue to attack the public school system in the province of Ontario. We have a system in this province that we need to be proud of. It has tremendous strengths, and we have been working with the people in this province in order to make it even better. We have a report here that is going to provide us with information that will enable us to continue to support those students who need extra help and remediation support. I'm extremely pleased to say that we're already providing to the 20% of Ontario students who are in the applied programs a tremendous amount of extra help, and we will do more. We've set aside \$25 million annually for students in grades 7 to 10 to get extra help in reading, writing and math, \$70 million—

The Speaker (Hon Gary Carr): The minister's time is up.

Mr Kennedy: Minister, how dare you? How dare you hide your incompetence behind the school system that has been struggling, that has been telling you for the four years—you've had four years since you implemented this new curriculum to know that there were kids being hurt. One hundred thousand kids are in that applied curriculum strand right now, and you're doing nothing for them. You knew last year that 55% of them failed basic applied math. You knew that then, and there's no help for those kids that failed grade 9 last year, not one dime from you.

What we need in this province is clear: some responsibility taken, some acceptance of responsibility. This is a system-wide problem. Your own report—I'm sorry you haven't had time to read it since August, but the parents and the students in this province can't wait.

Today, I want you to pledge to do what we've asked for, which is to make an investment in the curriculum casualties in this province, to do what Dalton McGuinty said should have been done in June—help these kids get their credits, help the kids that are, by this further proof, not doing well in your education Ontario—and commit to do that right here today.

Hon Mrs Witmer: It's unbelievable that the member opposite doesn't understand how hard the teachers in this province are working to help the students not just in the academic program but in the applied programs. I recently had the opportunity to visit two schools. If you take a look at how hard they're working to help those students

achieve the literacy and the math skills that they need to succeed in life, that they need to succeed to get a job, that they need to succeed to get into an apprenticeship and that they need to succeed to get into college and universities—we have made tremendous investments in order to support these students, and the information in—

Interjections.

The Speaker: Sorry, Minister. The member for Parkdale-High Park, come to order, please. You have 10 seconds. Sorry to interrupt, Deputy Premier.

Hon Mrs Witmer: The information in this report is going to be able to help us do even more for these students. I saw some of these students today. These students are working hard, the teachers are working hard. Let's work together to support them.

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr Ted Chudleigh (Halton): My question is for the Minister of Community, Family and Children's Services. Minister, it is my understanding that a provincial announcement was made last week when you were at the London Association for Community Living. I know the Halton Association for Community Living runs an organization called Horizon Packaging. This organization stuffs envelopes, packs up boxes, does all kinds of that kind of work for the community. All of the newsletters I send out to the community are stuffed by this organization. If anyone in the western part of the GTA wants their envelopes stuffed and done properly and economically, I would highly recommend they use Horizon Packaging located in Milton.

Minister, this is an important announcement you made last week. I wonder if you could share the context of it with my constituents and I.

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I thank my colleague for the question. This was a great announcement. I had the pleasure to travel to London and make a \$64-million announcement on behalf of the Ernie Eves government. This was keeping our promise to the community serving the developmentally disabled. The \$64 million is going to buy a great deal of services in the province of Ontario: \$48.6 million will enhance community supports, in particular community supports such as group homes, independent living, special services at home—which is a highly sought-after program—and out-of-home respite; we're providing \$21.1 million to organizations themselves, so they can revitalize, get staff, train staff and keep staff, which is always a challenge in this field; \$3 million is going to a new program called Foundations, which is an innovative day program serving young adults who are leaving high school and finding their way into their work world.

We're also providing \$15.4 million in capital to create new spaces. These are new homes. Our goal, of course, is to make sure that those with developmental disabilities can live happily and as—

The Speaker (Hon Gary Carr): I thank the minister. Her time is up.

Mr Chudleigh: That was a great announcement, and this is a very important area; it's one that we're very active in in Halton. We're very pleased to see money going into this sector. This is indeed an important group of people in our society.

We probably need more information on what this sector can do and what they are doing. Those are some fairly significant numbers that you're talking about. I wonder if you could put into perspective for this House those kinds of programs that we're investing in and how many people are being served through these programs in Ontario.

Hon Mrs Elliott: To my colleague from Halton, I thank him for the question. I know he's interested in this field and is very proud of the work being done in his own riding.

This will provide direct services. As I said, \$64 million is a continuing part of a promise we made over a year ago indicating that we would spend \$197 million by the year 2006-07 in this very field to serve the developmentally disabled.

Specifically, last year, for instance, 1,435 more people received special services at home; day programming services were provided to an additional 220 people; 385 more people got respite out of home; 700 young adults making the transition from school to adult life were served; new places were created, including new homes for 125 individuals and 64 new places through \$5 million in capital funds.

More than 260 of the lowest-paying agencies in Ontario received funds to supplement salaries and wages, benefits—

The Speaker: I thank the minister. New question?

LONG-TERM CARE

Ms Shelley Martel (Nickel Belt): I have a question to the Minister of Health. Minister, you refuse to recognize that your cancellation of the minimum standard for bathing has a negative impact on residents in long-term-care facilities. I have a copy of a letter sent to your colleague Mr Newman from a woman in St Thomas whose husband is in a nursing home. Maybe you'll listen to her. She says:

"I was astounded to read that prior to August 1 the Nursing Homes Act mandated a minimum of a daily bath for bed-ridden or incontinent residents. My husband is incontinent but only receives one bath a week which is insufficient, unsanitary, disgusting, and obviously a violation of the old Nursing Homes Act." She says the new regulation doesn't even ensure her husband is going to get one bath a week. So his care is certainly not improving. Please tell this woman what you will do to guarantee her husband gets the bath a day he needs.

Hon Tony Clement (Minister of Health and Long-Term Care): As the honourable member knows, we reviewed the bathing regulations, and this government

announced the changes that were made, which we think are a minimum. We put standards of practice into place where no standards of practice existed before, and the Ernie Eves government added an additional \$100 million for the funding of nursing and personal care in our long-term-care facilities. We not only acted in terms of minimum standards of practice, which we think are relevant and should be in regulations, but we added money so that the system is there for the residents in long-term-care facilities.

1430

Ms Martel: Minister, the question was, what are you going to do to guarantee her husband gets a bath a day? Right now he's getting a bath a week.

Let me tell you what else she said in her letter to Minister Newman: "If you think that, obviously, if someone needs a bath every day, they're going to get it, then you are sadly misinformed about the state of care in these facilities." She adds that the new standards will result in even fewer baths for residents, because they allow operators to interpret the regulations any way they choose, and for all of this you've increased monthly fees significantly so that people aren't getting the care they actually need and aren't going to get any more of that care they need.

Why don't you admit today that your decision was wrong? Bring in a regulation that sets clear standards and get your staff into nursing homes in Ontario to ensure residents get the baths they need when they need them. Will you do that?

Hon Mr Clement: I have to say to this House that the amended regulation ensures that, as patients, residents receive the care they need when they need it. In fact, there has to be a plan of care filed, and it has to be adhered to based on the individual needs of the resident. That was not the case before. We made it the case through the changes in our regulation.

If the honourable member wishes to quote reaction to it, I can quote what Karen Sullivan, executive director of the Ontario Long Term Care Association, said with respect to these new rules. She said the new rules are significantly better, so in fact that is a reaction, because they know that there are standards of practice in place now, that there is a plan of care in place now, and that was not the case before. We did it because we want to make sure the residents in long-term-care facilities in Ontario have the best care possible. That's what this government is all about.

APPOINTMENTS PROCESS

Mr George Smitherman (Toronto Centre-Rosedale): My question is for the Minister of Finance. Madam Minister, my question concerns your government's habit of conducting important public business in private. This time it's the red tape bill that moves public appointments from OIC to "nobody can see." Amendments in Bill 179 to section 2 of the Commodity Futures Act and section 4 of the Securities Act seek to remove the public oversight

of appointments to the Commodity Futures Advisory Board and the Financial Disclosure Advisory Board.

These boards are mandated to play important roles related to the Ontario economy, and at a time when you speak of the need to restore investor confidence, how could you, in good conscience, hide from public purview appointments to a body that provides advice concerning the financial disclosure requirements of Ontario securities law?

Hon Janet Ecker (Minister of Finance): Changes this government is proposing to put forward to protect investors, to make sure we have strong competitive markets, to make sure we don't have fraud or misrepresentation occurring in our markets: these are the goals of the legislative proposals this government is bringing forward—transparency, accountability, making sure investors have the information they need, making sure taxpayers have the information they need, so that they can make intelligent decisions and we can have the continued growth and prosperity we've had to date in this province.

Mr Smitherman: It's always good to see that the \$10-million minister, with her vast experience related to OICs and their nature of becoming public documents, could use the word "transparency" in response to a question that deals with the fact that appointments that are currently order-in-council appointments, under Bill 179—suggestions and amendments made coming from your ministry—those appointments will no longer be subject to the oversight of this Legislature through the committee that reviews these things.

I say to the minister, hoping now that she's found the time to find her note in the book, with respect, how can you in good conscience remove current appointments through the order-in-council process to an out-of-sight, out-of-mind body down on Bay Street? How does that work toward restoring investor confidence, and how is that transparent?

Hon Mrs Ecker: The appointment process in this government involves orders in council, it involves minister recommendations; that is not an unusual thing. The accountability for those organizations, the accountability of this government, the openness, the transparency, the making sure investors and taxpayers have the information they need—that is in no jeopardy whatsoever on this side of the House.

IMMIGRATION POLICY

Mr Steve Gilchrist (Scarborough East): My question is for the Minister of Citizenship. It's my understanding you recently represented Ontario at the first formal federal, provincial and territorial immigration ministers' meeting earlier this week. Given that cultural diversity is certainly one of our province's greatest strengths, and that immigration is essential to the economic, social and cultural well-being of Ontario, I'd like to know, after that meeting, what's the position of Ontario in ensuring that federal immigration policies continue to benefit our province?

Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors): I thank the member for the question. I was pleased to represent Ontario at this very important meeting on Tuesday and Wednesday, an historic meeting because it was the first time in over a century that the ministers responsible for immigration had met to discuss immigration issues.

Immigration is important to Ontario as newcomers enrich our province's economic, social and cultural life. Ontario has a proud tradition of welcoming immigrants and will continue to do so. Ontario is a major stakeholder in the federal immigration program, as 60% of all newcomers to Canada choose to settle right here in Ontario. Minister Coderre recognized that fact and often referred to me as his 60% shareholder. I don't know whether that's a good thing or not.

At the meeting, I and other ministers pressed the federal government to ensure improvements in the overseas selection of skilled immigrants and also—

The Speaker (Hon Gary Carr): The minister's time is up. Supplementary?

Mr Gilchrist: Thank you, Minister, for that response. You mentioned in that comment that immigration was essential to our economic development. However, it's certainly a fact that the government of Canada is responsible for immigration. The federal immigration minister, Mr Coderre, again said yesterday that Ottawa wants to settle immigrants outside the major population centres that have traditionally attracted them—Toronto, Montreal and Ottawa. I'm curious to know, Minister, what your position is on the federal minister's plans to settle immigrants in small and medium-sized communities across Canada.

Hon Mr DeFaria: Again I thank my friend for the question. As I was saying, one of the issues that we discussed was the federal government's assumption of provincial and municipal costs related to social assistance and legal aid for refugee claimants and of social assistance costs for immigrants whose family sponsorship arrangements have broken down.

There are many communities in Ontario, both rural, small and medium-sized communities, that could benefit from immigration. Our government will work with the federal government and other provinces on developing a new approach to attract immigrants to small and medium-sized communities in need of skilled workers. It is important, however, that the appropriate supports are in place to attract and retain immigrants. I'll be meeting with the federal minister, Denis Coderre, in the next few weeks to discuss developing a pilot project right here in Ontario.

1440

HYDRO RATES

Mr Steve Peters (Elgin-Middlesex-London): My question is for the Minister of Energy. Hydro One, your government enterprise corporation, has been engaged in a royal rip-off involving estimated usage. In rural Ontario,

meters are read quarterly and the usage is estimated in the interim. So, for example, a customer of Hydro One is sent two monthly bills with estimated usage. Then the third bill charges for the actual or catch-up usage.

Minister, you know what Hydro One is doing? They're chucking the additional consumption into the highest-price-per-kilowatt-hour period. Without monthly meter readings, there is no way of knowing when and what amount of additional hydro was used. Hydro One is zinging the consumer at peak consumption price.

A constituent of mine has calculated that because this is not averaged he has been over-billed by over \$100. You admitted in estimates that you couldn't even read the gobbledegook that was on a hydro bill. What are you doing to protect consumers in rural Ontario from being charged higher rates than they should be?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The member opposite raises a valid point. Certainly it's not charged on peak hours. What it is charged on is the average for that period of time. Customers in that catchment area in rural Ontario would have three options: one, there's a process now in place where they can telephone in their own meter reading on a monthly basis; two, they can get an integral meter; or, three, they can make a decision as a customer to have a fixed-rate contract.

When we do have to do meter readings, based on the rate of return, it costs everyone, including the member and his constituents. There are three specific options that are open to customers and if he's got suggestions on how we could do it further, I'd be very pleased to take them to Hydro One. We want to ensure that rural customers of Hydro One and rural Ontario continue to be strongly represented by policies that make rural life sustainable in the province.

Mr Peters: Minister, as you well know, Hydro One has over 1.2 million retail electricity customers. These are homes, they're farms, they're industries and they're businesses. My constituent is by no means a large user of hydro, but at \$100 a customer this is potentially a more than \$100-million cash grab for Hydro One. People are already reeling from their most recent hydro bills. Those on fixed incomes and farmers struggling to make a living can barely cope with their energy bills. Rural Ontario has been struggling and now these people are being billed for hydro usage at exorbitant prices when they have absolutely no way of knowing at what point hydro was actually consumed.

The entire electricity market is in chaos, Minister, and you need to put the brakes on what's happening. You've raised some points just now, but I don't think these issues have been clearly communicated to hydro consumers in rural Ontario.

Minister, please stand up and stop this cash grab from Ontario by Hydro One, because \$100 million that is going into their pockets should be staying in the pockets of consumers in rural Ontario.

Hon Mr Baird: It certainly has been communicated. I know one of his own caucus colleagues who's here in the

Legislature today wrote me on this issue and I responded in short order on that issue. There are those three options. I'll ensure that they're effectively communicated to people in rural Ontario who are customers of Hydro One.

I would indicate to the member opposite it's not based on the peak price but rather the average price. But I think the point he raises is quite valid. That's why there are three options for customers that are in the best interests of all shareholders, who are of course the people of Ontario.

HEALTH CARE

Mr Bart Maves (Niagara Falls): My question is to the Minister of Health. Without a shadow of a doubt, this government is the leading Canadian administration in realizing innovative methods of health care delivery so that its citizens continue to receive the best possible health care.

Not enough people are aware that since 1995 this government has increased spending in health care from \$17.6 billion to \$25.5 billion; also, that because of the Eves government's unwavering commitment to diagnostics there are 43 MRI machines currently in operation in Ontario, with many more on the way. This, I might add, brings the total of new MRI machines introduced by this government to 51, more than four times the amount the Liberals and NDP combined introduced during their 10-year reign of error over this province.

Minister, another great innovation of this government is the Telehealth system. How is that system working today?

Hon Tony Clement (Minister of Health and Long-Term Care): Thank you very much for the question. By the way, in reference to unwavering commitment, I'd be remiss if I didn't mention that my colleague from Niagara Falls demonstrates that unwavering commitment every day in representing his constituents here at Queen's Park.

Let me talk about Telehealth Ontario. It is available 24 hours a day, seven days a week, in 110 languages, simply by calling 1-888-767-0000. Registered nurses are available to assist callers in choosing appropriate health care options.

Telehealth Ontario has been a resounding success since it was introduced in February 2001. Over one million people have used this service. Of these callers, 35% have used Telehealth more than once. This is proof positive that satisfaction with the program is very high. Due to Telehealth's success, the Ernie Eves government has hired more registered nurses to answer Ontarians' questions about their physical well-being. This is one of many innovative tools this government is using to provide all Ontarians with universally accessible and publicly funded health care services.

Mr Maves: Thank you, Minister. Many of my constituents have been among those million users of the Telehealth system, and they all speak highly of it. However, I must also say at this time that while the Eves

government is responding to the public's call for health care spending, the federal Liberals are continuing to fail to pay their fair share.

The Chrétien-Martin government contributes only 14 cents on the dollar for health care spending, an all-time low. This is down from the paltry 18 cents on the dollar the federal Liberals contributed in 1995. Since this year's federal surplus is an estimated \$9 billion, this pathetic amount is quite shameful. Conversely, the Eves government is investing 47 cents of every single program dollar on health care.

Minister of Health, have hospitals in Ontario shared in the huge increase in expenditures that our government has made in health care?

Hon Tony Clement: I heard most of the question. There was a little bit of falling on swords on the opposition benches when it came to the federal Liberal contribution to our health care system.

I want to tell you that our government takes great pride in our innovative health care strategy. I'm always grateful for the attention we can pay to our accomplishments. Over the last five years our government has increased hospital funding by 38%, and this year the Ernie Eves government will spend \$9.4 billion, on behalf of the taxpayers of Ontario, on hospitals. This is \$645 million more than we spent last year. Since 1995, this government has spent over \$2.65 billion to expand, modernize and build and rebuild new hospitals.

This year's throne speech was another example of the Ernie Eves government's innovative approach to health care. Our government committed to a new funding arrangement for hospitals that will allow them to better plan for the future: multi-year funding. We will work actively with stakeholders to develop a model for this multi-year funding, another example of the Ernie Eves commitment to ensure that all Ontarians continue to have access to the best universally accessible health care.

SITE OF EARLY PARLIAMENT

Mr Michael Prue (Beaches-East York): My question is to the Deputy Premier. The site of Ontario's first Parliament Buildings is about to disappear under a car dealership at the corner of Parliament and King. One of the greatest archaeological sites in this province is about to be paved over. It represents the history, I don't have to tell you, of this province: the start of responsible government; the changing of the capital from Newark, which today is Niagara-on-the-Lake, to Toronto; and all of the history of the War of 1812. It's all there. You have a chance to be heroes over there. Will you declare your intent to purchase this site and save it from becoming a car dealership?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'm going to refer that to the Chair of Management Board and Minister of Culture.

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): I believe, and the government does believe, that this is a

particularly important site: the first Parliament. Currently we are reviewing some options in terms of the province's role.

Mr Prue: I was hoping for a better answer. I was hoping for an absolute yes.

I think to all of us, heritage is absolutely important, even to the government members. This is the heritage of this province that we're going to pass on to our children and our children's children. The federal government has indicated an interest in helping to fund the archaeology and the digging up of this site. The community is absolutely interested. There's a community meeting here in Toronto tonight to discuss ways of developing this site and protecting it, but you must lead. On December 1 we're going to lose any opportunity we have to take over this site and we must act now or risk losing our heritage. Will you buy the site and preserve the heritage of our city, of our province and of our country?

Hon Mr Tsubouchi: It's a little odd to hear the member over there extolling the benefits of the federal government coming in and spending money. I don't know what the extent of their commitment is. Unfortunately, we haven't been invited to many of the informational sessions by the city of Toronto.

As the member well knows, the city of Toronto has the lead on this. It is in their area. However, having said that, the government recognizes the importance of this very historical landmark site. I will say again to the member that currently we are considering a number of options in which the province can work with the city in this matter.

1450

PETITIONS

EDUCATION FUNDING

Mr Gerard Kennedy (Parkdale-High Park): "To the Legislative Assembly of Ontario:

"Whereas we, the undersigned residents and taxpayers of the province of Ontario, are gravely concerned about the present state of financial support for publicly funded schools in the province of Ontario,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) We respectfully request that the public review of the current provincial funding formula for public education in Ontario be conducted with the participation of all stakeholders in the public education system; and

(2) "We further respectfully request that until the review is completed, boards be allocated funds equal to the amount spent in 2001-02, plus funding for inflation and enrolment increases."

This was collected in an incredibly short period of time, started by the Bedford Park Junior Public School: 1,925 signatures. I am happy to add mine to this list.

BUSINESS OF THE HOUSE

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): Pursuant to standing order 55, I have the statement of the business of the House for next week.

Monday afternoon we will resume debate on Bill 181. On Monday evening we will continue debate on Bill 179.

On Tuesday afternoon we will debate a motion on the interim supply bill. On Tuesday evening we will debate Bill 187.

Wednesday afternoon will be a Liberal opposition day. Wednesday evening we will debate Bill 179.

Thursday morning during private members' business we will discuss ballot item number 63, standing in the name of Mr Cleary, and ballot item number 64, standing in the name of Mr Christopherson. Thursday afternoon we will continue debate on Bill 187. Thursday evening's business is to be determined.

LONG-TERM CARE

Mr George Smitherman (Toronto Centre-Rosedale): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15%; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Ernie Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

VOLUNTEER FIREFIGHTERS

Mr Toby Barrett (Haldimand-Norfolk-Brant): I also wish to table a petition. It is titled "Support the Right of Full-Time Firefighters to Volunteer." It is signed by area people from Waterford, Turkey Point, Cayuga, Simcoe and Dunnville and addressed to the Legislative Assembly of Ontario.

"Whereas double-hatter firefighters have historically provided a vital service to small and rural communities across Ontario by volunteering services to their local fire departments in addition to their professional firefighter duties; and

"Whereas by volunteering, these full-time firefighters provide highly valued expertise, skills and training for fellow volunteers; and

"Whereas the vital input, support and work of our full-time firefighters are now being placed in jeopardy by reported union pressure, including charges and threats of charges aimed at putting an end to this vital volunteer service; and

"Whereas MPP Toby Barrett, the Association of Municipalities of Ontario and the Firefighters' Association of Ontario have made clear their support for this legislation;

"We, the undersigned, respectfully petition the Parliament of Ontario as follows:

"That the government of Ontario support Waterloo-Wellington MPP Ted Arnott's Bill 30, a private member's bill titled the Volunteer Firefighters Employment Protection Act, and enshrine in law the right of full-time firefighters to volunteer."

I support this petition. Hearings are being conducted. I affix my signature to this petition.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): I see our page from the greater city of Sudbury, Philippe, is coming to get this petition. I would like you to know that his grandparents and mother are in the gallery today. We wish them a good trip back to Sudbury and hope that their trek back on Highway 69 is a safe one.

This petition is to the Legislative Assembly of Ontario:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas in the last three years, 46 people have lost their lives on that stretch of highway between Sudbury and Parry Sound; and

"Whereas so far this year," 10 people have been tragically killed between Sudbury and Parry Sound; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of any government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

Of course, I affix my signature to this petition and give it to Philippe to bring to the table.

LONG-TERM CARE

Mr Alvin Curling (Scarborough-Rouge River): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I'm in full support of this. Of course, Kyle will bring it forward to the desk after I have signed this. Thank you very much, Kyle.

SCHOOL CLOSURES

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have additional petitions entitled "Moratorium on High School Closures," signed by many people in my area, from towns like Delhi and the communities of Scotland, La Salette and Teeterville.

"To the Legislative Assembly of Ontario:

"Whereas one high school has closed and several others are threatened by the Grand Erie District School Board; and

"Whereas the Education Equality Task Force led by Dr Mordechai Rozanski is reviewing the current funding formula for education in Ontario; and

"Whereas the Grand Erie District School Board is expected to issue additional high school closures; and

"Whereas parent groups and community volunteers feel the GEDSB has not set aside adequate time to review and explore all other viable options to keep area high schools open;

"We, the undersigned, request that the Grand Erie District School Board and the Ministry of Education declare a moratorium on secondary school closures until such time as recommendations from the Education Equality Task Force will have been implemented."

I affix my signature to this petition.

1500

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): I have some more petitions regarding Highway 69. These were gathered by Dan Ball from our community. It's a petition to the Legislative Assembly of Ontario, and it says:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas in the last three years, 46 people have been killed on that stretch of highway between Sudbury and Parry Sound; and

"Whereas 10 people have died tragically so far this year between Sudbury and Parry Sound;

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound;

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of any government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so; and

"Whereas it is the responsibility of the government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the

Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease.”

I, of course, affix my signature and give it to Edward to bring to the table.

SCHOOL CLOSURES

Mr Toby Barrett (Haldimand-Norfolk-Brant): In addition to the petition that I've drawn up on school closures, I have an additional petition from a group in the Delhi area.

“Whereas the education funding formula applied uniformly across the province of Ontario has forced many consolidated boards of education to move to close schools, especially in rural areas; and

“Whereas the formula is now being reviewed by Dr Mordechai Rozanski, with a report to the provincial government anticipated by November 2002;

“Now the undersigned petition Dr Rozanski, the boards of education and the province of Ontario as follows:

“(1) include in any future funding formula recognition of the importance of rural schools to their communities;

“(2) give communities the opportunity to directly support (by taxation, if necessary) their schools to ensure their continued existence; and

“(3) mandate an immediate moratorium on the consideration of the school closures until the new funding formula is in place.”

There's a great deal of concern, and hence many, many signatures from communities like Delhi, Vanessa and Windham Centre. I see names from Norwich, Courtland and, of course, many, many names from Delhi.

LONG-TERM CARE

Mr Alvin Curling (Scarborough-Rouge River): I have a petition here, and I'm sure that Curtis Ng from Scarborough-Rouge River, whose last day here is today, will be happy to bring it to the desk when I'm finished reading this. The petition reads:

“To the Legislative Assembly of Ontario:

“Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

“Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

“Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

“Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

“Whereas according to the government's own funded study, Ontario ranks last amongst comparable juris-

dictions in the amount of time provided to a resident for nursing and personal care; and

“Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

“Whereas the government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

“Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels.”

I affix my signature, and I'll give it to Curtis to give it to the desk.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have a petition.

“To the Legislative Assembly of Ontario:

“Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

“Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

“Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

“Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

“Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

“Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

“Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

“Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province.

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels.”

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): I continue to submit some of the 26,000-name petitions regarding Highway 69. This is to the Legislative Assembly of Ontario:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

Of course, I affix my signature, give it to Carley, and ask her to bring it to the table.

ORDERS OF THE DAY

LEGAL AID SERVICES
AMENDMENT ACT, 2002LOI DE 2002 MODIFIANT LA LOI
SUR LES SERVICES
D'AIDE JURIDIQUE

Resuming the debate adjourned on October 15, 2002, on the motion for second reading of Bill 181, An Act to amend the Legal Aid Services Act, 1998 / Projet de loi 181, Loi modifiant la Loi de 1998 sur les services d'aide juridique.

The Deputy Speaker (Mr David Christopherson): It's my understanding that the floor is now open for further debate, and I will recognize the member for Simcoe North.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to rise this afternoon to say a few words on second reading of the Legal Aid Services Amendment Act, 2002. I, first of all, want to congratulate my friend and colleague Minister David Young for introducing this piece of legislation. I know that throughout Ontario over the last few years, fees for legal aid lawyers have been under some attack and scrutiny, and I think this is an opportunity to look forward to the future and possibly correct some of those problems that might have arisen.

The Legal Aid Services Amendment Act, 2002, is an important and necessary piece of legislation that will

improve access to justice in our province; access to justice is one of the foundations of a free and democratic society.

As you know, getting legal counsel has become more difficult depending on where you live in Ontario. Legal aid lawyers in several communities have been engaged in a series of somewhat disruptive tactics that seem to be motivated by economic interests and not by the interests of their clients.

Ontario legal aid lawyers are among the highest paid in the country. On August 1 of this year the rate paid to legal aid panel lawyers was increased by 5% to a maximum of \$87.93 per hour and the duty counsel rate was increased 23% to \$70.35 per hour. Legal aid lawyers who travel 200 kilometres or more to designated northern areas of this province will benefit from a 10% hourly premium and will be guaranteed \$800 per day. This package will cost almost \$21 million over three years to our province. This is the first increase in the legal aid tariff rate in over 15 years.

This package was the first step in the government's ongoing review of Ontario's legal aid system. The government is committed to working with Legal Aid Ontario and lawyers' groups to explore long-term solutions to issues affecting legal aid.

As the Attorney General said at the time, "Attracting and retaining lawyers who perform legal aid work is critical to ensuring that Ontario's poorest citizens have access to the high-quality legal representation that they deserve."

We believe that increasing the hourly rate paid to legal aid lawyers is an important step. Despite this, some legal aid lawyers have continued with work boycotts and other disruptive tactics. They are pointing to the disparity between the legal aid tariff and market rates for their services as justification for these actions.

There is no excuse for disrupting the justice system by attempting to shut down the courts. In any event, the rationale advanced is not cogent in its own terms.

1510

The legal aid system was never intended to be a lawyer's sole means of income. The legal aid system has always been, and will continue to be, a public service for those in need.

The current legal aid system in the province is set up in such a way that the private bar has a near monopoly. The disruptions compromise the integrity of the legal process and the due administration of justice. Worse, these disruptions were part of a well-planned campaign by groups claiming to represent legal aid lawyers.

I'd like to quote from a letter sent by the president of the Criminal Lawyers' Association to members of this association. It reads, "We understand that some members rely on legal aid certificates. As part of our efforts to maintain pressure and display our dissatisfaction with the lack of reform, we suggest the following options to indiscriminately accepting legal aid certificates.

"(1) Critically canvassing with clients whether or not a cash retainer is a realistic option.

"(2) Discussing with clients the possibility of a payment schedule.

"(3) If it is apparent that the client cannot in any manner afford counsel, bringing Fisher application where appropriate materials for such an application will be posted on the CLA Web site beginning in September."

And in brackets: "If you bring the Fisher application, you have to understand that if you are unsuccessful, you must be prepared to walk away from the case.

"(4) Considering whether or not you should be taking legal aid certificates at all.

"Having seen the success of our work in August, we are now focusing our collective energies on the GTA revolving court boycotts beginning March 1. This strategy is expected to result in court backlogs, media attention and continuing pressure on the Ministry of the Attorney General while allowing counsel to continue to represent clients and meet expenses.

"To ensure the effectiveness of the revolving strike,

"(1) Check your court boycott calendar before you set a trial date.

"(2) Talk it up. Mention the court boycotts to every colleague you meet.

"(3) If your colleagues don't know about it, give them your calendar and call the CLA office. They will send you another one.

"(4) Remind colleagues about the rotating strike if you see them setting a date on a prohibited week.

"The purpose of the strike is to shut down the courts on the weeks indicated in the calendar. It is vital that the strike days apply to all matters, legal aid or private."

That's the end of that quote.

As the Attorney General has said, legal aid lawyers who are participating in ongoing work stoppages of this kind are not serving the interests of justice. They are not protecting the rights of those in need.

The legal aid system does not simply exist for the benefit of lawyers; it exists to protect the rights of those in need.

Allow me to remind the opposition members who have thus far stood shoulder to shoulder with lawyers who believe that shutting down our courts is a responsible course of action that those in need are frequently the most vulnerable people in our province, such as women and children involved in painful family court cases.

This is completely unacceptable. To ensure that the interests of justice continue to be served, our government is proposing to amend the Legal Aid Services Act. As you already heard, the purpose of this bill is to achieve a balance in the way legal aid services are provided in this province. The legislation would, if passed, place various tools or options at the disposal of Legal Aid Ontario. These options would include hiring more staff lawyers, expanding the role of duty counsel and contracting out work to private lawyers and law firms.

Legal Aid Ontario, the provincial agency responsible for administering legal aid services, established a pilot project two years ago in which family law staff offices were opened in Thunder Bay, Ottawa and Toronto. The

evaluation of the pilot has determined that the mixed system is a success.

In Canada, legal aid is provided through separate legal aid plans in each of the provinces. Though each provincial and territorial government has developed its own legal aid scheme, three general models have been adopted: (1) the staff system; (2) the adjudicator system; and (3) the mixed system.

Several provinces rely almost completely either on staff lawyers or on a mixture of staff and private counsel.

I'd like to use this time to remind the members of the opposition who claim that this bill will lead to an Americanization of Ontario's justice system what other provinces are doing so that they can see where Ontario is going and how our direction compares to other legal aid plans in other parts of our country.

New Brunswick, Ontario and Alberta are the only provinces that have primarily *judicare* or private bar systems, although there are circumstances where there are staff lawyers available.

Other provinces make use of what is called a staff system. Under a staff system, a legal aid plan directly employs lawyers to provide legal aid services. Newfoundland and Labrador, Prince Edward Island, Nova Scotia and Saskatchewan have adopted this approach. In staff systems, the private bar may still be used when circumstances warrant—for example, if there are conflicts of interest or staff lawyers that are unavailable.

A mixed system combines the *judicare* and staff systems and utilizes both private and staff lawyers in the provision of legal services. The legal aid plans in Quebec, Manitoba, the Northwest Territories, Nunavut and Yukon operate mixed systems of legal aid. In most of these jurisdictions, the client has the right to choose counsel, either staff or private, from a panel of lawyers providing legal aid services. Quebec has made use of this type of system for many decades.

The mixed models have proven track records of providing high-quality legal services to clients, and this is the type of system that Legal Aid Ontario would deliver if Bill 181 were passed. So much for the Americanization of legal aid. I'd now like to describe the mixed legal aid system used with great success by Manitoba and Quebec in greater detail.

The Legal Aid Service Society of Manitoba was established in 1972 and is responsible for the administration of legal aid services in that province. Similar to Ontario, it is an entity governed by an independent board of directors whose members are appointed by the provincial government. In mixed service models such as Manitoba's, the legal aid program provides formal representation in the areas of criminal, family and poverty laws. The program also represents groups in cases of public interest.

When a client applies for legal aid in Manitoba, they can request a specific private bar lawyer. The plan will usually send the certificate to that lawyer if the lawyer is available and willing to accept the certificate. If the applicant does not specify a lawyer, the plan will usually

assign a staff lawyer. Legal Aid Manitoba provides legal aid advice to individuals who appear in court but do not have a lawyer acting for them. This service is available in criminal, youth and some child welfare courts. Legal aid offers duty counsel services in approximately 50 communities in Manitoba. Staff lawyers provide 90% of these services. Staff lawyers, private lawyers mandated by Legal Aid Manitoba or paralegals provide legal advice to individuals who are arrested outside of regular business hours. This service is usually provided over the phone and is available from 4:30 pm to 8 am.

The first legal aid services emerged in Quebec in the early 1950s as an initiative of the bar section of Quebec City. During the following years, the Quebec government and the bar of the province of Quebec signed agreements relating to the provision of legal aid services. In 1972, the Quebec Legislature passed the Legal Aid Act, which in turn established the legal services commission. The commission has the authority to establish legal aid centres and currently has 11 regional and two local centres overseeing the delivery of services in 128 legal aid offices. Each regional and local centre is governed by its own board of directors, whose members are nominated by the commission. The commission operates a mixed judicare staff model. The clients can be represented by the private lawyer of their choice if they are available; otherwise, they are represented by staff lawyers.

1520

Legal aid has provided for a range of civil and criminal cases, including criminal charges involving an indictable offence, family cases, youth protection, young offenders and income security matters. Staff lawyers provide duty counsel representation at all criminal, administrative and family court locations across the province of Quebec. Only summary legal assistance is provided through duty counsel representation.

Why are the member for St Paul's and his cohorts afraid to debate this proposed legislation on an apples-to-apples basis, by looking at the systems used in separatist Quebec and socialist Manitoba instead of constantly and inaccurately comparing the system contemplated by the proposed legislation with the American experience?

If the Legal Aid Services Amendment Act is passed, Legal Aid Ontario would be taking advantage of the strengths offered by both staff and fee-for-service lawyers to provide legal aid services. As has been mentioned previously, the current legal aid system grants private bar lawyers a monopoly over the provision of legal aid services in the areas of criminal and family law.

The proposed legislation will help Legal Aid Ontario in ensuring the stability and sustainability of the system. This is a very important point. The legal aid system must protect the rights of those in need. It must also be able to prevent disruption of the judicial system. The proposed legislation would allow us to meet our obligations and responsibilities to ensure everyone's right to legal representation is protected.

Legal Aid Ontario would be given the tools to achieve a balance in the way that services are delivered, including

hiring more staff lawyers, expanding the role of duty counsel, contracting out work and reducing the nearly total reliance on the private bar.

As I noted at length earlier, the mixed model that uses staff lawyers is operating elsewhere in Canada and works well to ensure high-quality and cost-effective services. The private bar would continue to perform a significant part of service delivery in the areas of family and criminal law matters. Our proposed legislation would simply expand the methods of service delivery and broaden options available to clients.

We believe that a mixed system is the best way to achieve a balanced and sustainable legal aid system. It's the best way to ensure everyone in Ontario has access to justice. I urge all members to support this bill.

I want to thank Minister David Young, the Attorney General, for bringing forth this piece of legislation. It's a great starting point for debate, and I understand we have many hours of debate ahead of us here. Again, I urge all members to support this bill. Thank you for the opportunity to say a few words here this afternoon.

The Deputy Speaker: It is now time for questions and comments.

Mr Alvin Curling (Scarborough-Rouge River): I listened to the member for Simcoe North very carefully. It was difficult to listen carefully, because I didn't hear anything new there. As a matter of fact, I didn't hear anything.

I'd like you in your rebuttal, when you get back to do your two minutes, to convince me that you have a solution where the poor would have some access to justice, because all you have said hasn't told me anything about the poor, those who can't afford a lawyer, having good access to justice, because today it's awful. We know that the poor get a longer sentence in the courts because of poor representation, and in what you've said here, you haven't said a word about how you're going to resolve that.

It is bigger than just trying to pay lawyers a little bit more. I think the problem is deeper than that, much deeper than that, not like having a quarrel with a couple of lawyers saying they want more fees and therefore that will solve the problem: "As a matter of fact, I won't give it to them; I'll go and contract more lawyers outside so that we can resolve this problem." That's not the problem. Those who need it haven't got the financial resources to do so.

In your statement I didn't hear a word about how you will do that kind of stuff. We know about the inadequacy of how you have funded policing. I haven't heard a word about that in your speech and about your commitment to access, so that the poor have access to good justice.

In your two minutes I would like you to address that, because that is what the people out there want to learn. Forget about your fight with the lawyers; stand up for justice for all, fair justice, because sometimes people don't feel they have adequate justice. I hope you address those concerns.

Mr Gilles Bisson (Timmins-James Bay): I listened to the comments made by the member opposite, and it seems to me that we're missing the crux of what this debate is all about, or what it should be about. This government wants to change the system to create what some would term a public defender system that's more closely in line with the American system, in which you appear to court, you're assigned a public defender and you get representation in court. I guess that's the government's way of responding to the crisis they've created by not adequately funding our legal aid clinics and Legal Aid Ontario overall across the province.

I have had the opportunity to meet with the legal aid people in our community. They're telling me that about 30% to 35% of people who now appear before the courts in my riding are going unrepresented because Legal Aid Ontario does not have the funds to issue the tickets so that these people can go out and get a lawyer to represent them when they go to court. And a whole raft of issues are not even eligible when it comes to the ability to get a ticket to get a lawyer to represent you. So that's meaning to say, all kinds of people are going without representation.

I was speaking to one gentleman yesterday—and I'll only use his first name, Bob—who lives out at Delnute. He's beside himself. He can't afford a lawyer. He has already spent a bunch of money trying to get one to represent him, and he has to go before the court to deal with the matter. He's not able to get legal aid, because the rules prevent him from getting a ticket. Without that ticket he can't get to court with a lawyer. When he goes to the legal clinic that we're now just starting up, the legal clinic doesn't take a number of issues if they are issues that could be dealt with by private lawyers.

I'm saying the government created this crisis. If people are without representation in the courts, it's not by creating a public defender system that we're going to fix the problem, in my view. What we need to do is to make sure that we fund the system so that people can afford to get lawyers to represent them when they, unfortunately, have to go to court. The government, in my view, has taken the completely opposite view on this thing.

The Deputy Speaker: Further questions and comments?

Mr Norm Miller (Parry Sound-Muskoka): Thank you, to the member from Simcoe North, for adding his comments today to do with Bill 181, the Legal Aid Services Amendment Act, 2002, which has been put forward by our very able Attorney General. It has been put forward to deal with a problem, and this is the solution to the problem.

Basically we have some of the most vulnerable in our society who aren't able to get legal services, who have to try to find their way through the maze of the courts without the benefit of expert lawyers. The Attorney General has come up with a solution to deal with that problem, to provide legal services to those most vulnerable in our society who need legal representation. I think what he has come up with is a very balanced solution.

I listened with interest to the member from Timmins-James Bay talking about an Americanization of the system. Well, he should be looking at Manitoba, which I believe has an NDP government. They have a very similar system to the one that's being implemented to fix this problem of a lack of representation. They have a system whereby they have certificates, with private bar lawyers using certificates. As well, there are other staff lawyers who are looking after cases as well.

I'd like to bring the attention of the House to the member from St Paul's, who's made comments on this issue. He had about the fastest flip-flop going for the opposition party when on September 30 he was asked by a reporter, "What would you do, spend more money on legal aid to fix it?" The member from St Paul's: "No, you know, the experience in the United Kingdom and other jurisdictions has been, yes, to reform the legal aid system and to look at different ways of providing it." Then just two minutes later, "Do you think there should be a raise?" The member for St Paul's: "Obviously the tariff has got to be increased." The fastest flip-flop going.

The Deputy Speaker: You might just want to keep in mind, whip of the opposition, I do allow a little latitude for everybody to sort of wrap up their sentence—

Mr Dominic Agostino (Hamilton East): You're a very fair man.

The Deputy Speaker: But your point is well taken. There's still one response left, and it looks like you're going to get it.

Mr Agostino: Thank you, Speaker, and I'll try to keep it under two minutes. I'll speak for a few more minutes on this in rotation.

When we look at this bill, it's typical of this government's approach to any problem that they have: instead of trying to deal with it on the principle of good public policy, of what is in the best interests of Ontarians, it's how can we score cheap political points. This has nothing to do with reforming legal aid; it has all to do with a battle with the lawyers. It all has to do with the fact that you have short-changed lawyers who provide legal aid in this province for a number of years. They're coming to you asking for a fair and reasonable agreement on what they should be paid, and what do you do? You take out the club and you threaten them. You say, "You don't like what you're getting? We'll take care of this problem; we'll just get rid of you. We won't have legal aid any more. We're just going to have the American-style public defender system."

1530

It's just a cheap, sleazy negotiating tactic. The lawyers see through this. The lawyers who provide legal aid see through this, the legal community sees through this, the judges in this province see through this. But the Attorney General and his cabinet think they're being cute, warm and fuzzy saying, "Isn't this wonderful? We're reforming legal aid in Ontario by bringing in this amendment." Instead of sitting down and negotiating with lawyers what is a fair and reasonable agreement, raises that they have not had, in cases, since 1987, that occurred before

the last round—even politicians get raises in a closer timeline than lawyers who provide legal aid in this province.

I'll go into it in a little more detail in the few minutes that I do have, but I wish this government would get serious about the matter, would stop playing cheap politics in what is really an important matter and trying to bully lawyers into backing down, and get on with real reform of legal aid in Ontario, and give some real help to some really needy people who need lawyers.

The Deputy Speaker: For the record, you did nail that right on the money.

For up to a two-minute response, the member for Simcoe North.

Mr Dunlop: I'd like to thank the members from Scarborough-Rouge River, Timmins-James Bay, Hamilton East and my colleague from Parry Sound-Muskoka for their comments.

When I heard the member for Parry Sound-Muskoka talk, it reminded me of Mr Bartolucci's bill on the four-laning of Highway 69 to Sudbury. I don't know if he has paid attention to the number of contracts that have actually taken place on both Highway 11 and 69 over the last, I guess, eight or nine years, where there's literally been hundreds of millions of dollars spent on that highway. I don't think if we announce tomorrow, if we had all the blueprints ready, that there'd be enough construction companies in our province to finish it at the rate that we'd have to.

It's interesting to hear the flip-flops again. I don't know what they want. I guess you want lawyers earning \$300,000 a year, if I take what Mr Agostino is saying—legal aid lawyers—because that's where he's going with this. He says they need more money. I thought the 5% increase on August 1, raising legal aid lawyers to \$88 an hour, was a really good first step, since they haven't had a raise in 15 years. I don't think there's anything wrong with \$88 an hour, or \$70.35 for their duty counsel rates.

I understand that they really don't have a position on this, or they would explain it. Maybe we'll listen carefully to what their position actually is, what they would do.

I've appreciated the opportunity to stand this afternoon and say a few words, and I look forward to the debate and the position by the Liberal Party across the way.

The Deputy Speaker: The floor is open for further debate. The—

Mr Agostino: Thank you, Speaker. I'd like to share my time—

The Deputy Speaker: Let me recognize you first. The member for Hamilton East.

Mr Agostino: Thank you, Speaker. I'm surprised he doesn't recognize me. I think I've known the Speaker for about 20 years, and he stands up and says that he doesn't recognize me—it's shocking. That was a cheap attempt at humour on a Thursday afternoon; it's not working.

I share my time with my colleague from Scarborough-Rouge River. When the government said they were going

to introduce a bill to deal with legal aid, on this side of the House we were hoping against hope that finally they were going to tackle some of the real deficiencies that are occurring in our justice system. We're moving toward a justice system in Ontario with this bill that will allow one level of justice where people can afford it, and a second level of justice for those who can't.

The reality is, this government has been in a labour dispute with private lawyers who perform the vast majority of legal aid service in Ontario. These lawyers, who haven't had a raise since 1987, argue that the amount that has been offered, 5% after 15 years, certainly is not sufficient. So instead of this government trying to find ways of working with the legal community—and most lawyers in this province take their responsibility in working in the legal aid field very seriously. They believe it is part of the job that they have to do. Most lawyers in this province take legal aid work below the rate that they would charge if they were doing private client work for the same services they're providing to the clients. Most of these lawyers do it as part of, they believe, their responsibility as lawyers, as part of the judicial system in Ontario, to ensure that there is access to justice for low-income Ontarians.

That should be the priority of this government. It is certainly the priority of the Dalton McGuinty government. We believe that access to justice should not be based on how much money you have and how much money you can pay your lawyer. We're concerned that this bill, which is attempting to reform legal aid, in a sense is going to create a two-tier system of law in Ontario, and that, again, you're going to end up with a lot more poor people ending up in jail and a lot more rich folks who can afford the fees to hire the legal stars and the dream teams.

It's a concern because this is somewhat mirroring the American judicial system of legal aid, and we have seen what a disaster that has been. If anybody has any doubts about how the American judicial system works through their public defender system, they should only take a look at some of the jails in the United States, particularly in some of the southern states, where a disproportionate amount of poor people, black people, Hispanics, people who are often in low-income situations, end up in jail compared to the crimes that are committed in the general population. A great part of this has to do with, not that there are more criminals on a percentage basis in those communities, but generally the ability to be able to afford proper legal help.

You can take it to the extreme. You look at death row in the United States. You look at some of the cases. You look at death row in Florida, Texas and some of the states that take pleasure in seeing how many people a week the state can kill, and you look at the disproportionate amount of poor, black people who are on death row—they might have been spared that death sentence had they had the type of legal help those other folks who have a little more money, who can afford legal help, get.

That's the extreme of that system, and I'm not suggesting that's where we're going here, in that sense.

But we are, with most of the other crimes that are committed, in this two-tier system that you're presenting, moving in that direction. That's dangerous; that's scary. That really takes away the fundamentals of our justice system, where you're saying to folks, "The sentence you get or whether there's a conviction or not may not necessarily depend on whether you're guilty of the crime you've committed but the type of legal help you can afford."

Under our system today, most lawyers in this province perform some type of legal aid work. That means that if you're charged with an offence and you can't afford a lawyer and you go the legal aid route, chances are that you're probably going to get a pretty decent lawyer who has had some experience, who has had a history of cases, who knows what he or she is doing.

When you move to a public defender system, what you're going to end up with, because of the fact that you're not going to pay enough money, because it really becomes a McDonald's drive-through of a justice system, you're going to simply have folks there who have come out of school who will be good lawyers with time, but who don't have the expertise sometimes, the training, the skills, in the areas that are necessary. They are to become experts in every area of law, every aspect of criminal law, every aspect of law where people have access to legal aid. These public defenders must become experts in that area, and that is not going to happen.

This government, frankly, is playing politics with this issue. You're going to end up in situations where you're going to force plea bargains everywhere, because that's the fastest way to get through this thing. You're going to have lawyers who are poorly prepared, poorly staffed, poorly paid, and with huge caseloads. So the quickest way to move those caseloads along is to simply get a plea bargain. It's a lot quicker to get a plea bargain than to go through a trial. That may be in the best interests of the government of Ontario, to save money, but certainly it is not in the best interests of individuals in this province. Whether you're rich or poor, everyone should have equal access to the justice system. If you're guilty and you're sentenced, and there's a proper process and you have a lawyer who represents you well, then that's the price you pay for the crime you've committed. That's our justice system. But if you end up being found guilty when you are not, if you end up with a stiffer sentence because of a plea bargain than you would have had because you don't have access to the legal system the way someone else does who's paying 300 bucks or 400 bucks or 500 bucks an hour for a lawyer, then that's fundamentally flawed. That's much more like the American system that I know you would like to see.

1540

I know this government takes pleasure in copying everything that happens in the United States. Whether it's their welfare reform or their tax policy program, they can't find enough Republican platforms to jump on to run on in the next campaign. They can't find enough Republican consultants to tell them where to go next.

They take great fondness in acting more like Governors than Premiers, more like state assemblies than provincial Legislatures here in Ontario.

We believe that what needs to be done is that this government should back off on this threat, on this bullying tactic to try to intimidate lawyers. What you have said to the legal community in Ontario is, "We don't think you're worthy of a fair rate of pay for the work you're doing," often lower than the wage or pay they would be getting, an hourly rate they would be getting for representing clients in private practice. "We don't think you're worthy. We don't value the work you do. We don't value your expertise. We don't value your commitment to service." That's really what it is, mainly, to perform legal aid. "We're not going to negotiate with you any further. We're giving you 5% after 15 years of no raises, no pay increases, and if you don't like it, guess what? We're going to take the whole program away. We're going to bring in public defenders to do your job."

It is simply holding a club over their head, holding a shotgun to their head and saying, "My way or the highway." That is not how you deal with a reputable profession. That is not how you deal with individuals who are well respected in their communities, who are well respected in legal circles. They get insulted and treated in such a petulant, childish way by the government of Ontario.

You're going to get rid of experienced lawyers with a long history of successes, good defenders, and replace them with your so-called public defender, which would be, in my view, not at the same level, not of the same type of competence we see today.

You look at this bill and it's really very limited on details. There's no mention of how much money, how many lawyers, how to determine it, what type of caseloads these lawyers would have. We're going to have to trust you with this. We're going to have to trust the Mike Harris-Ernie Eves government, with their great track record in regulations behind closed doors, in setting these standards and putting these conditions in place.

This is not workable. This is a disaster in the making. This is an attack on poor people in Ontario who need legal help. Whether one is guilty or not guilty of a crime is up to the courts to determine. What we as elected officials have a responsibility to do is to make sure that every single Ontarian has access to a fair legal justice system. What you're doing here, by stripping away and destroying the legal aid system in Ontario and bringing in public defenders, is creating a two-tier system of justice, as you're moving toward two-tier health care.

This is going to hurt some of the most vulnerable people in our society. Most importantly, this is going to lead to some great miscarriages of justice, to some innocent people going to jail, to some innocent people spending longer jail sentences, and to a justice system that only serves wealthy Ontarians.

Mr Curling: The comments by my colleague from Hamilton should be read by the government. They'll see that he made some very pertinent points.

I read this bill. What really is the cause? What is happening here? It comes down to this: the number of lawyers willing to accept legal aid certificates or duty counsel assignment is dropping while demand for legal aid certificates is rising.

You know what that does? To come right to the point, those who are most in need for justice to be done, to be administered—the poor—will not have justice. For any government, it is their responsibility to protect those most vulnerable in our society, those who are disillusioned or discouraged or who are somehow, sometimes through no fault of their own, poor. What is happening here? No justice is being given.

I don't want to get into a fight with a government that is getting into a fight with the lawyers over how much they should or should not be paid. That is basically insignificant at the moment. What is the cause of all this? Take a quick look at Ontario. It's a very diverse community in ethnic ways and in geographic ways. As to the cost of that, when we are administering justice, we must take those things into consideration. While some of the funding may have increased in certain areas—for judges and CAS lawyers and even some increased funding for policing—somehow there is an imbalance. The fact is that as soon as the police go out to do their job, or the CAS lawyers and workers do their job, you find out that representation and defence are not being done properly in the courts because we don't have the lawyers who have the time to spend to defend those individuals who may have been caught up in the law.

What has happened? Some compromise has been made. Sometimes that compromise, as we talk about plea bargaining, works out where some people decide to take a short jail term who may be innocent, because they cannot afford the costs that are involved.

What this government should do with this legislation is address those underpinning factors that are causing all this. We know, as I mentioned in my comment earlier today, that the fact is the poor get longer sentences when they come before the judge because of poor lawyers. Judges have indicated that. Many times they have sent lawyers to go back and prepare themselves properly, not because they are bad lawyers, but because they don't have the resources or the money. The lawyers will then take the opportunity to go where people can pay them, so the poor suffer drastically.

I want the government to start looking at those factors, not the fact that you are going to fight off a lawyer against the government, or go out and contract other lawyers because you don't want to get into a dogfight with the other lawyers, and go out and contract other lawyers and say, "I don't want to deal with those." Who has been suffering? Who will suffer under all this? The people who are seeking justice. As you may know, justice delayed is justice denied. It is almost like justice is denied now. All justice will be denied for these individuals because of lack of funds, lack of the money this government would save, but more so because of the lack of sensitivity of this government, not understanding that the diverse community we have will take more time.

It is almost like in the classroom. Teachers today are different from teachers 20 or 30 years ago in Ontario. Diversity takes time to understand. Some people are breaking the law, sometimes unconsciously. Lawyers must be able to get in and understand their clients. It takes time. What you are quibbling about here is to say, "We want to pay you just that amount," the small amount that lawyers are saying they can't survive on. It comes down to a fight over money between lawyers and government. The individuals who need justice to be done are being denied. That is very unfortunate.

Each day, every minister stands in here—I hear over on that side—and talks about the rich, diverse, multicultural society we have in the province. Those are just platitudes and words. Underneath all that you must be able to fund that, you must be able to recognize that and support that. It's not about your going off to an evening of dances and songs and having some exotic food from other areas.

Look at the mothers and fathers and those who don't have access to their profession because they were trained outside the area. That is where you must put your money. That's what you have to do. Put your money into the fact that if lawyers are going to defend individuals in court, they must understand their client. To understand their client takes time. It takes research. It takes good administration. If you do not fund it properly, those lawyers will then have to then decide between whether to do it as a charitable organization or as a charitable contribution to the cause, or seek elsewhere where they can be properly paid. So I am saying to this government, the first responsibility any government should have in managing a country or a province is to make sure that the most vulnerable in our society are protected. It's an abdication of the responsibility of a government when they ignore certain things and the judge has to step in, or somebody has to step in, and do their work.

1550

I recall, funnily enough, when food banks were started. It was an alarming thing in here—it couldn't happen in Ontario. Very, very poor people are having to access food banks. But what we found out was that working people went to the food bank. A man called me the other day and he said, "I have to decide between my rent and food for the children." He's a single parent with four kids. He said, "I can't do that, Mr Curling, because while I was doing that it caught up with me. I'm two months behind now, because I was feeding my children. Now I have to decide whether I pay my rent or starve my children."

You see, if you abdicate your responsibility and put your head in the sand in here, what you're going to find out is that if we don't give people proper protection of the law, the chicken does come home to roost sooner or later. You'll find that the jails are filled, and then you've got to pay more. Then you come in with your right-wing attitude, saying, "Tougher laws will solve this, tougher penalties will solve that." Tougher penalties and tougher laws don't solve that. It's an understanding of the citizens of the province you govern.

I think this government has lost it all. They are basically much more concerned with understanding those on Bay Street, saying, "I understand those on Bay Street. They're paying too much tax, and I have a solution for that." Then they hand out to the rich what they save on the poor. They're waiting. They're not getting it. You're abdicating your responsibility, and so other areas are filling that gap.

I would say to this government, don't go out and tout the fact that this is a diverse, rich, multicultural community and not put your money where your mouth is. This system needs money so that those who are poor, those who are in need, those who need understanding, those who need proper representation legally in the court system can have proper lawyers so our jails are not filled with people who shouldn't be there. When you wonder why they're there—what happens is they vegetate and then come out with lost respectability of their family, lost respectability of their community, and they sometimes resort to other crimes because of their rejection in society, created by a government that would not stand up and defend and give people proper justice and their day in court.

That is so sad, because so many families are destroyed—sometimes countries are destroyed—because we pride ourselves about our jails, about our court system that is firm: "Three strikes and you're out." It's easy for those to strike out if they don't know how to bat, if they don't have a place in which to play properly. In the arena set here by this government we're going to have the poor and we're going to have those who are disillusioned and confused because of lack of support by this government. So it has nothing to do with lawyers and the government and who wants more money. It has to do with your understanding the citizens of this province and giving them their day in court so justice is served.

The Deputy Speaker: Members now have an opportunity for questions and comments.

Ms Marilyn Churley (Toronto-Danforth): I listened carefully to the comments by the members for Hamilton East and Scarborough-Rouge River. I have to say that one of the fundamental cornerstones of democracy is that people have equal access to justice. When we're having this discussion, that's what we should bear in mind at all times, and I'm glad that both members talked primarily about that. Right now, low-income people are not getting that under the existing system; we know that. And what does the government do but bring in a bill that's actually going to make it worse for them.

What the government is proposing to do with this bill is yet another very serious attack on democracy in this province. Even with the small increases—and I'll be talking about this a little later because it's a big concern of mine. Even with the small increases in the tariff for family law, the 5%, the maintaining of the artificial caps in terms of the maximum hours of billing that lawyers are allowed under the tariff to actually conduct, it is hard to find any lawyer who can actually afford to take on these family law cases, particularly matrimonial cases, where

women and children in some cases do not feel safe. It is so critical to get before the justice system quickly, and get the case taken care of. We see that in our constituency offices. We get calls about that, and there's a double whammy here. With the lack of enough money for the tariff and the fact that the hours are capped, women and kids in this province are not getting the justice that they need and deserve.

Hon Doug Galt (Minister without Portfolio): It was interesting listening to the comments and the presentation. I think it's interesting if we look back historically and see some of the things that have been happening. We look at the Liberal government: zero increase in assistance in legal aid. We look back at the NDP government from 1990-95: zero per cent increase for legal aid. We look at the PC government: 5% for regular lawyers, some 23% for duty counsel.

Quite an interesting difference in what's been going on. If you look over the years, Ontario now sits at \$88 per hour. If you look across the rest of Canada you see areas like Alberta at \$74; BC at \$72; Newfoundland, PEI and New Brunswick at \$60; and Nova Scotia at \$55 per hour. I think that puts the province of Ontario in an exceptionally good position, by comparison anyway.

I understand that legal aid is sort of shared with the feds. In 1987, 35% of what goes out came from the feds, by 1995 it had dropped to 20%, and today it's way down to 12%. Compare it to the province and what they're putting into these certificates: in 1987, it was 45%, rising to 65% in 1995, and now to 70% in 2001, last year. I think we have to look at these figures to have some appreciation of what's going on. Granted, where some of the other support has been coming from has been moving around: 20% in 1987, 15% in 1995 and last year some 18%. Just food for thought.

Mr Monte Kwinter (York Centre): I'm delighted to add a couple of comments. The concern that I have is that, as my colleague said, justice delayed is justice denied. One of the problems that we have, even with the legal aid system that we have now, is that many of the poor people, the people who have no access to any kind of resources, are having difficulty, even under this system, getting a law firm to take on their cases. The reason is very simple. There is too great a discrepancy between what these lawyers are earning in, if you want to call it, the regular practice and that which is provided by legal aid.

My colleague across the floor just talked and compared the various provinces. You can't use that as a basis because in Ontario, it's just a fact of life, the cost of living is much higher. The lawyers that are here are earning more money and there's got to be some sort of accommodation so that they will be prepared to take on these legal aid certificates. Many law firms, most law firms, do pro bono work; they do it for nothing. What they really want to do is minimize their exposure so they can remain viable and look after those people. They feel a responsibility. I give them the benefit of the doubt that they do feel a responsibility to provide this legal support

for those who can't afford it. I'm reminded, and for those who have ever watched 100 Centre Street, it's a dramatization and it's fiction, but it really focuses on the system in the United States where you have public defenders. What happens is that when you have these public defenders who are in a court, there is a certain familiarity that develops between the prosecutors, or in our case the crown, and the public defenders. What happens is that the litigant is really in a position where there's a conflict. Both sides are being paid by the same group, both sides have an interest in minimizing the cost to the government and as a result there's a lot of plea bargaining. We've heard about this and we've heard that this has happened, and that's the concern I have.

1600

The Deputy Speaker: Questions, comments?

Hon Frank Klees (Minister of Tourism and Recreation): I'm pleased to comment on this important piece of legislation before us. I don't think anyone here, in this place, denies that we have a problem in the province of Ontario with people getting access, particularly people who cannot afford to retain legal advice, that there's a problem with access.

We see this as members I think probably daily, the frustrations that are experienced. Something has to be done. I don't think members opposite are suggesting that everything is perfect in the current system. The legislation that the Attorney General is proposing I believe has in it a solution that will ensure that people who need legal services and cannot afford to retain the lawyer of their choice, perhaps because of their financial circumstances, will have offices available where they can be served properly with appropriate legal advice.

Frankly, I'm concerned that we continue to suggest that simply to put more money into the existing system that we have is the answer. I think we have learned over years in government that simply isn't the case, because you can never put enough money into the system. At every step, at every turn there will always be the demand for additional remuneration. I think the system that is being proposed by the Attorney General now brings some reason to this, puts a structure to it. The objective, as we all know, is to ensure that where there is now a gap in service, there will be in fact a seamless continuum of service to the people who are most in need in our province. I trust that members will support this legislation.

The Deputy Speaker: Either of the two original speakers may respond.

Mr Agostino: I want to thank my colleagues from Danforth, Northumberland, York Centre and Oak Ridges for their comments.

There is only one lawyer in the House this afternoon, and that's my friend the Minister of Health.

Ms Churley: Toronto-Danforth.

Mr Agostino: Toronto-Danforth; I apologize.

I was hoping the only lawyer here this afternoon in the House, my good friend the Minister of Health, would have stood up to defend his colleagues, the integrity and

professionalism of his colleagues, in the legal profession that this government is attacking with this bill. I'm so disappointed. I'm hoping that the minister will get up some time this afternoon and speak up on behalf of his friends in the legal profession.

I think my colleague from York Centre made an excellent point when he said that under your system, under the American system, you have this sort of buddy system that develops between in-house public defenders and prosecutors or crown attorneys. It takes away from the adversarial system that our system is built on so that you are less likely to have cozy, convenient side deals and plea bargaining being put on to the detriment of individuals who need the help.

I have not heard any arguments from my colleagues across the floor as to why they believe this public defender system would work better than our legal aid system today. Evidence shows that our system works much better, that our system is more effective. Look at the horror stories. I can't help but look at the horror stories in the United States of America, where you've got in-house, McDonald's drive-through types of approaches to the legal aid system—"Let's get them in and out as soon as possible," and oops, 20 years later, "We made a mistake." It happens here, but it is much more rare than in the United States. With this type of system that you are going to bring in, you are going to guarantee that. You are going to guarantee more mistakes. You are going to guarantee less justice, less access to justice. You are going to guarantee that, unfortunately, people who should be out on the street end up being jailed because these public defenders don't have the time and expertise to properly defend these individuals. Thank you, Speaker.

The Deputy Speaker: You're welcome. You are also welcome to the extra couple of seconds I gave you to finish that sentence. I knew if I waited long enough, I'd get my moment. The floor is open for further debate.

Mr Miller: It is my pleasure to join in the debate this afternoon on Bill 181, the Legal Aid Services Amendment Act, 2002, which has been put forward by our Attorney General, our very able Attorney General, I might add.

A free and democratic society depends on everyone having access to justice. Specifically the Charter of Rights and Freedoms states that everyone has the right, if they are arrested, to retain and instruct counsel without delay. Justice is best served when there are supports in place for people in the justice system. Unfortunately, members of the opposition seem to disagree.

In a previous debate on this bill, the member for St Paul's stated, "It is certainly incumbent on the Attorney General of Ontario to be aware of—and I'm sure he is; I know he is—the important rights that are at stake on this particular issue." He is right to a certain extent. Important rights are at stake in this debate. The right to counsel is a pretty important right. The Attorney General and this government seek to protect it with Bill 181.

The Ontario government takes its responsibility to provide the proper administration of justice very seri-

ously. That is why we have introduced the Legal Aid Services Amendment Act, 2002. If passed, the bill would provide Legal Aid Ontario, the agency that administers legal aid, with the increased flexibility to ensure that legal representation is available to low-income and vulnerable people.

First, this legislation would ensure that Legal Aid Ontario is in a position to hire significantly more salaried lawyers to provide legal aid services. Second, it would ensure that Legal Aid Ontario is in a position to hire qualified lawyers and law firms on a contract basis to do legal aid work in a given community. Finally, it would ensure that Legal Aid Ontario is in a position to expand the role and responsibilities of existing duty counsel. The Attorney General has identified a problem, and we are providing a solution to that problem.

Let's consider what is contemplated by this bill and what is not. Under this legislation, Ontario would not be moving to a system based entirely on staff lawyers, or the so-called public defender system we've heard the opposition talking about. I'm sorry to disappoint the members of the opposition who have spoken at excruciating length about this being the case, but it is simply not accurate. Even a cursory reading of the proposed legislation makes this clear.

Rather, this legislation contemplates a system where there is a balance in the way legal aid services are delivered. There would be a mix of the current *judicare* system used in Ontario and a system of staff lawyers. The mixed system of delivering legal aid services is not new. It has been tried elsewhere. In other provinces, such as Manitoba and Quebec, it has proven to be successful. I would like to note for the record that Ontario is one of the very few provinces in Canada that does not already make heavy use of staff lawyers.

If the members of the opposition will listen to CBC Radio on occasion—and I know some of them do, as I do—they would have heard the executive director of Legal Aid Manitoba, Gerry McNeilly, explain how a mixed delivery model has worked very well in that province. He said, "In Manitoba since the inception of legal aid in 1972, we have had the mixed delivery system. I think it's ingrained here. I think the private bar is pleased with it. They provide about 60% of the legal aid work via certificates. Staff provides about 40%."

Mr McNeilly also said a mixed delivery system allows for choice of counsel. He said, "That's the good thing about this system, and it's choice of counsel. So if you have a choice of a private bar lawyer because you have heard about him or her, or similarly you've heard about a staff lawyer that provides legal services in the particular area that you need, then you determine if you would like to choose a private bar lawyer or a staff lawyer."

I don't know how the opposition can argue with choice.

1610

I would ask the members opposite, particularly the New Democrats, why they oppose a bill that would allow Legal Aid Ontario to implement a system that has

worked well in a province governed by their ideological and partisan soulmates. Are they saying that the system used to provide legal aid in Manitoba doesn't work? Are they saying that the Manitoba system is Americanized, and if they are, on what basis do they believe this? The reason they can't respond is because their claims are absolute nonsense. Quite frankly, I find it incredibly ironic that a caucus that trumps the quality of services provided by the public sector is so vigorously defending a private sector monopoly that has been denying the vulnerable people they claim to represent access to justice.

Let's consider the Quebec system for a moment. Quebec has roughly a 50-50 split between the private bar and staff lawyers for criminal cases. Both Quebec and Manitoba have used mixed systems for the past 30 years. As a result, legal representation is available to people in need in those provinces, and services are being provided in a cost-effective manner. "Cost-effective" does not equate with inferior quality of legal services. Comparative studies have shown there are no inherent cost differences between private-based systems and mixed systems, nor is there a difference in the quality of services provided or in client satisfaction.

Professors Fred Zemans and Patrick Monahan of Osgoode Hall Law School co-wrote a report in 1997 recommending that Ontario look seriously at the Manitoba model. Professor Zemans spoke to CBC last week and said, "All the studies show that in fact client satisfaction, rates of guilty pleas, rates of incarceration do not significantly change under a mixed delivery scheme."

He also said, "It's also important to point out that in Ontario we've had a mixed delivery system in civil legal aid going back to the early 70s. The Ontario clinic system is considered internationally to be one of the very top models for delivering legal systems to poor people and we now have seen in recent years the increase in the use of community-based clinics with community boards for clients in Ontario spreading. So I think that what we need to see in Ontario is more experimentation, more willingness to try out different models in the criminal side of the delivery of legal services."

The member for St Paul's, like many of his colleagues, is a big fan of Ian Scott. I would like to remind him that Patrick Monahan was Ian Scott's and David Peterson's policy adviser. Perhaps he should read this report before making further comment on Bill 181.

I'd like to reference another study of note. Professor Alan Young, also of Osgoode Hall Law School, wrote a report entitled *Legal Aid and Criminal Justice in Ontario*, in which he states that virtually every study has concluded that a mixed model of legal aid delivery is the path to take. The experience in other provinces such as Manitoba also shows that mixed legal aid systems have few problems in hiring salaried lawyers.

The advantages for legal aid lawyers are obvious. They have steady incomes, no overhead costs and they don't have to manage an office or attract new business. Here in Ontario, Legal Aid Ontario began a pilot project

two years ago in which family law staff offices were open in Thunder Bay, Ottawa and Toronto. The pilot was recently evaluated and has been determined to be a success.

If this bill is passed, the responsibility for administering the legal aid system would still remain with Legal Aid Ontario, which is an independent agency. There would not be, as has been claimed by certain opposition members, an issue about independence.

For the record, taxpayer dollars pay the salaries of the crown attorneys who exercise prosecutorial discretion every day. The opposition has never said that this is inappropriate.

Taxpayer dollars fund our court system and pay the salaries of our superb independent judges and justices of the peace, who make very important sentencing decisions every day. The opposition has never, ever claimed, to my knowledge, that this impairs judicial independence.

Legal Aid Ontario currently uses taxpayer dollars to pay legal aid lawyers. Again the opposition has never claimed that there are independence issues with this arrangement. Why would it be different under the system contemplated by this legislation? The source of funding for legal aid lawyers—private, staff and duty counsel—would also remain the same; namely, the taxpayers through Legal Aid Ontario. Clearly, this is yet another Liberal red herring.

Neither is there any reason to expect that a two-tier legal system would develop. That has simply not been the case in other provinces where a mixed system is in place. Moreover, study after study has concluded that private lawyers and staff legal aid lawyers can both provide high-quality legal aid. Nor would this legislation, if passed, take away an individual's right to choose a lawyer. The bill is designed to have just the opposite effect. It would restore legal aid services in communities affected by boycotts. It would provide Legal Aid Ontario with the flexibility to ensure that legal aid services would be available to everyone in need in a timely manner.

As many are aware, our current system has been facing major disruptions in some areas of the province. The current legal aid system has effectively given the private bar a monopoly. Some legal aid lawyers have viewed this monopoly as a bargaining chip. Some have withdrawn their services in the hope of getting more pay. As a result, getting legal counsel has become more difficult, if not impossible, depending on where you live in Ontario. In fact, what began as a dispute with the government over hourly rates has escalated into a much larger dispute that could damage the administration of justice.

There is an unacceptably large number of legal aid lawyers who are motivated by personal interests, not always by the interests of their clients. They are using several disruptive tactics to make their point. These tactics include shutting down the courts, refusing to take new clients and pressuring low-income clients to pay on a cash-retainer basis. These tactics are unacceptable. It has been said before, but it bears repeating: legal aid

lawyers who are participating in ongoing work stoppages are not serving the interests of justice. They are not protecting the rights of those in need.

The legal aid system does not exist simply for the benefit of lawyers. It exists to protect the rights of those in need. And let's remember that those in need are frequently the most vulnerable people in our province, such as women and children involved in painful family court cases. The current dispute is, in fact, making vulnerable people even more vulnerable because they cannot get legal counsel. The opposition is interested in talking about tiers. Why aren't they willing to talk about the tears shed by women and children who are often fleeing abusive relationships but can't find a lawyer to help them for \$88 an hour?

Mr George Smitherman (Toronto Centre-Rosedale): On a point of order, Mr Speaker: Is a quorum present?

The Deputy Speaker: Please take your seat. A request for a check on quorum, table, please?

Clerk at the Table (Ms Lisa Freedman): Quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk at the Table: Quorum is now present.

The Deputy Speaker: Quorum now being present, the member for Parry Sound-Muskoka may continue.

1620

Mr Miller: In some communities, groups of criminal lawyers have refused to represent individuals accused of serious, violent crimes. This has placed judges in the impossible position of having to choose between granting the rising wage demands of defence lawyers or allowing those accused of criminal offences to walk free.

This is unacceptable and is counter to the interests of justice and to the interests of public safety. If prosecutions cannot go forward, public safety may be put at risk. Victims may be re-victimized. People may have to navigate the justice system without the benefit of sound legal advice. These tactics do nothing except damage public confidence in the justice system.

As has been noted previously, this dispute began over the pay rates for legal aid lawyers. Ontario legal aid lawyers are among the highest paid in the country. They were well paid for their services even before the recent increase in the legal aid tariff. If the members will recall, our government raised the rate for certificate lawyers by 5% on August 1 this year and we raised the duty counsel rate by 23%. Our government is committed to strengthening our legal aid system. Indeed, we are committed to strengthening our legal system, period. We have hired more crown attorneys and appointed more justices of the peace and more judges. We've also expanded the rights of victims and passed new laws to protect the public.

The Legal Aid Services Amendment Act is another step toward achieving our goal of a stronger, more efficient justice system. If this bill is passed, Legal Aid Ontario would have increased flexibility to establish a balance in the way legal aid services are provided in this province. Make no mistake about our intentions. We cannot, and will not, allow economically motivated

tactics to interfere with public safety and the prosecution of accused individuals. Everyone in Ontario must continue to have access to justice.

It's time for legal aid lawyers to end their disruptive tactics. It's time for them to fulfill their professional duties. It's time for the justice system to get back to work. Our government is committed to protecting the administration of justice. We are equally committed to protecting the right of people to have legal counsel when they need it. I urge the members to support this bill.

The Deputy Speaker: Members now have up to two minutes for questions and comments.

Mr Kwinter: I just want to make a couple of comments on those made by the member for Parry Sound-Muskoka. He talked about this joint system, where you have what you might call defence attorneys from both the legal and the private sectors. He stated that the defendant could choose one or the other depending on his particular requirements. In an ideal situation, I agree that might work. The problem is that even under the system today—and many of you, I'm sure, have had the same situation where constituents come in and say, "I have a legal aid certificate but I can't get anybody to take it." Now, of course, there's no alternative; they have no way of getting defence at trial because nobody will go there to represent them.

I don't see how this system is going to alleviate the problem, because what we have, and it's a fact of life, is an economic situation where lawyers who are in the private sector have to decide whether they take legal aid certificates or service their clients who are paying whatever the tariff is that that law firm has. Again, as I say, I think most lawyers and most law firms want to make a contribution to the legal process, and they do that through either pro bono or accepting legal aid certificates.

This bill does not address that problem. You talk about Professor Fred Zemans and his report. Again, in an ideal situation, that works. But this is not an ideal situation, particularly in large metropolitan areas where there are many, many law firms with lots of activity and it is very difficult to get competent legal representation. Lawyers coming out of law school who haven't got a practice are chasing legal aid certificates because that's their basis for getting some sort of income, but—

The Deputy Speaker: Thank you. Further questions, comments?

Ms Churley: I'm disturbed when members like the member for Parry Sound-Muskoka get up and read a prepared statement, I believe—hopefully, I would like to think—without taking into account some of the provocative—and that's a mild way of putting it—statements in that speech. To get up here and slam lawyers who do legal work on many, many occasions—and I see it in my riding—and if he looked into his riding he would see many of those lawyers who end up working for nothing because the fee is so low. With cost increases and the lack of increase—yes, the lack of increase for 15 years or so—some of these lawyers are working for free.

This member gets up and accuses the opposition of being concerned about—how did he put it, what was the

quote?—a two-tiered system, but what we really should care about are the tears that women and their kids are weeping because they can't get legal aid.

I hope the member will take that back and apologize, because let me say to him that those legal aid workers went on strike in desperation because they're already seeing women and children trying to flee domestic violence situations who cannot get a lawyer now. Some of those women come into my office now in tears because they can't find an adequate lawyer under the existing tariff and the caps to do the job for them. That is why those lawyers went on strike, I would say to the member.

Then the Attorney General went before a press conference and continued to do the same thing—vilify those lawyers who on the whole, many of whom, are working for free or next to free for low-income people in this province.

Hon Mr Galt: First I'd compliment the member from Parry Sound-Muskoka for an excellent presentation, in spite of some of the comments we've recently heard. I thought he had an excellent presentation—quite understandable and put forward very well.

Mr Speaker, I wanted to share with you and with the member from Parry Sound-Muskoka a comment from Gerry McNeilly, executive director, Legal Aid Manitoba, where it's working very, very well. "This system we believe in Manitoba allows for freedom of choice of counsel, provides swift, greater flexibility, and we believe it's very cost-effective without sacrificing quality of service. In Manitoba, since the inception of legal aid in 1972, we've had the mixed delivery system. I think it's ingrained here. I think the private bar is pleased with it. They provide about 60% of legal aid work via certificates. I think it works very effectively here. We've established workload levels, expectation of staff lawyers, something that's reasonable, that's relatively akin to levels we expect the private bar to handle, and we monitor those work levels."

1630

Legal aid here in Ontario, as I understand it, is about protecting the rights of those in need. It's not about excessive benefits. The people who are less fortunate and need legal aid are really being held hostage for a 50% increase. It's my understanding they're looking for something like \$125 per hour.

This bill is really expanding the opportunity for legal aid to not only give out the certificates but also to hire on a contract basis a lawyer to carry out these responsibilities if in fact there are communities where the lawyers, for one reason or another, don't want to take on the role with those certificates.

I am certainly able to support this bill and I look forward to its speedy passage.

Mr Mike Colle (Eglinton-Lawrence): I just want to comment on the member for Parry Sound. I guess he's got his script from the boys in the backroom, but I'm not going to speak from a script. I prefer to speak about people I've seen in a courtroom not too far from here at old city hall. I ask anybody out there to visit old city hall

in the course of a day and see the tragedies that are going on underneath our very noses here in the city of Toronto. There are literally hundreds of people on low incomes who are, for many reasons, in the courts. It is something you don't want to see anybody go through. It is something that certainly scares the living daylights out of anybody who is in there. It looks almost like something you would see in the Third World.

I've talked to Justice Harris, who has been in there for 25 years. He was the one who was trying to get a portable heart defibrillator in the building because he said the stress in there is so high every day he's afraid that clerks and police officers and witnesses are going to pass away.

Anyway, I think what we want to do as lawmakers is ensure that people who are in these horrible circumstances, small business people or people with limited income or who are down on their luck, who can't afford to get legal representation—like the well-to-do and our big corporations can—have good lawyers representing them. This is the bottom line for me.

I know the government is in some kind of confrontation again over lawyers who provide this service, but let's just remember that we're serving the people of Ontario and not ourselves.

The Deputy Speaker: The member for Parry Sound-Muskoka has up to two minutes to respond.

Mr Miller: I'd like to thank the members for Toronto-Danforth and York Centre, the chief government whip from Northumberland, and the member for Eglinton-Lawrence for their comments.

This legislation really is about solving a problem of people not being able to get legal advice, lawyers, especially those most vulnerable in our society. We had a situation where the certificate rate had not been increased for many years. It wasn't increased in the NDP government years; it wasn't increased in the Liberal government years. Just recently it was increased I believe 5% by our government and 23% for duty counsel, so that currently the rate for certificates is \$88 per hour. But people in need were still not able to get lawyers to represent them, so this bill is about solving that problem.

I think our Attorney General has really come up with a good solution. Those willing to work for that paltry \$88 an hour, or \$183,000 a year, can take on those certificates or, as well, you can be represented by a staff lawyer. It would be a blend of those two situations. I think the Attorney General has come up with an excellent solution to a problem where some people are not able to get lawyers to look after their needs. He's come up with a good solution and I think this is going to solve a problem that we have in providing legal services for those in greatest need in our province.

I'm pleased to see it coming forward and I'm sure it's going to solve the problem and I ask all members to support this bill.

The Deputy Speaker: The floor is now open for further debate. However, before I recognize the next speaker, I do want to remind the House that we have now passed the seven-hour mark and therefore all speeches will now be limited to 10 minutes. Further debate.

Mr Colle: Again, this is quite an unusual situation to be in. I find as a member of this Legislature that I'm almost being used as a pawn by the Attorney General, because it seems, from the press conference he had and the news reports, that he in essence is in a labour negotiation/confrontation with legal aid lawyers. As a result of that, he's unable to come up with some agreement in terms of what legal aid lawyers should be paid and the bill that's before us seems to be an attempt by the Attorney General to get his way in terms of what they should be paid and not paid as legal aid representatives.

In other words, this bill is almost being used as a bargaining tool to, whatever you want to call it, intimidate or get the lawyers to acquiesce to the Attorney General's financial agenda, because I don't think the Attorney General wants to come to an agreement on what they should be paid. I understand these lawyers have not had a rate increase since 1987. The Attorney General says, "We'll give you a little bit," but essentially it's a dispute over what this work is worth.

I don't think this is the place to be debating what the value of legal aid is. I think we can debate the principles, but I'd hate to see us being used as pawns here, as I said, with this bill brought forth, which I guess would be withdrawn if the lawyers cave in. That's what it seems to be about. They're being threatened with an American system—they call it the public defender system—that many people have reservations about. So that's the context of this.

Again, it's quite unusual for us as legislators to be thrown into this situation when we know it's a dispute between the Attorney General and his bureaucrats and the legal aid lawyers. All I do know is that, as I've said previously, our job in this Legislature is to ensure that services and the judicial system are open and equal to all Ontarians and that they have that access. That is one of the basic tenets of our judicial system which separates us from a lot of other countries that don't have the gift of the British judicial system passed down to us through our parliamentary traditions, through our close connection to England. We have that tradition of trying to be fair to people in the judicial system no matter what their income level, what their crime is. People have a right to be represented by good lawyers in a court.

The legal aid system sometimes comes into disrepute because a lot of people who are represented deserve their sentencing and deserve to be put away, but there's always, as we've said, the innocent, who sometimes are not given good representation. But you can rest assured that people and corporations with the money to pay will have that good representation. So we have to ensure that whatever system we vote for or whatever legislation we endorse in this House has got to be one that is transparent, that is fair and equitable and isn't one that gives a marginal type of representation to the have-nots in society.

1640

If you look at our prisons, you'll see that 75% of the people in our prisons went to prison when they were out of work, homeless or poor. They're black, they're native

Canadians, aboriginal Canadians. That's a sad indictment of society. That's why we have to ensure that the poor, the underprivileged and minorities, visible or not, should not be discriminated against because they don't have the income.

I think it's even more critical for us in Ontario, which is the gateway for newcomers from all parts of the world, to ensure them that we, according to British tradition, have a judicial system that is fair and doesn't punish them because of income. That's why it's paramount to try to come to some agreement where you give legal aid lawyers a fair and just wage.

Over the years, I've met a number of them who practise in our courts. Believe me, it is not very attractive. They tell me about the Don Jail. I don't know if the member from Parry Sound has ever visited the Don Jail. Maybe he should go there—or to old city hall—and see the misery and desperation of that place, not only of the inmates but also of the guards and the staff. It is a hellhole. These are hellholes that exist, and you don't want to see anybody go through that.

That's why I think it's critically important that we don't have innocent people put behind bars because they don't have good representation. That's why we need to invest in a legal aid system that's fair and equitable for people of low income or who have language barriers, so they have this kind of representation. You don't want to put anybody through that hell called the Don Jail, or places like it, unless they're proven guilty.

In the riding of Eglinton-Lawrence, in years gone by, when we were fighting in Toronto—as the Speaker will recall, because he had some of the same problems in his area—we literally were in hand-to-hand combat with crack dealers and dope dealers on a daily basis. You couldn't walk the streets for the pushers, pimps and crackheads. When governments didn't really care, it took community groups to basically defend the community and drive out the crack dealers, pimps and prostitutes who were on all our streets. It wasn't so much the government that did that; it was the community groups that did it.

One of the things that used to annoy those of us who were involved in this community battle to get our streets back from the crack dealers—and the police would be just as frustrated as we were. The police would always say, "Yes, we're arresting the crackhead on the street." But the big dealers, the guys—usually guys—who had these smuggling rings and walked around in fancy suits and had Cadillacs and Mercedes and huge homes in the well-to-do areas or off in the Cayman Islands, never went to jail. It was always the poor dummy on the street, the loser on the street who was pimping or selling crack who went to jail.

They never caught the big guys, because the big guys always could pay for the best lawyer money could buy. As soon as you came near a big guy, boy, that lawyer would be there in his pinstriped suit with so much money to blow. The police would be totally outmatched by these heavy-duty corporate criminal lawyers, as I call them,

who would be called because these people could pay for them. Yet the down-and-out in the street could never get any representation.

I think the critical thing here is that we have to ensure there are fair and good lawyers available to the poor and that we give them a fair trial, give them a hearing, and therefore at least continue, as I've said, a very valued tradition that took hundreds of years to establish, going back to Magna Carta in the 13th century, which we keep very dear.

We can't look upon this just as some kind of labour dispute between the Attorney General, who is trying to intimidate, or whatever he's trying to do, these lawyers who are asking for fair and equitable wages, and to acquiesce to what the Attorney General feels they should be paid. We've got a lot more at stake here than this dollar-and-cents battle with the Attorney General. We've got a system that has to be above reproach, open, available and that has to receive the confidence of the public, that they know we aren't just favouring the well-to-do in our judicial system. Let's stop the posturing, the games being played by this government, as they usually do, and remember what we're here for.

The Deputy Speaker: The members now have up to two minutes for questions and comments.

Ms Churley: I think the points made by the member for Eglinton-Lawrence are well taken and that all members in the Legislature should be paying close attention. I liked his reasoned response, because there are a lot of insults flying back and forth. The government is trying to defend its position even though it's a position that I'm not sure they know is actually going to work out, given the information we have about it to date.

It's a very complex issue. When you start playing around with the balance that we've created here in Ontario to make sure that low-income people get, generally, fair access to justice, we all have to take that very, very seriously. When government members make accusations that this is all about greedy lawyers who just want to stuff more money in their pockets and not about trying to find a way to get enough money so they can go defending these people—that's what the member for Eglinton-Lawrence is talking about.

Of course, that leads to public hearings. That's something our colleague Peter Kormos, our critic in the criminal justice area, has been demanding and has been denied. He's a lawyer himself and he knows, when he gets up far more than I do and many of the other members in this Legislature, what he's talking about. Yet, his concerns and comments are sneered at, laughed at and not taken into account, but he knows the system and he knows what the government is calling for here. The proposal before us is not going to work as it's written. And he is demanding, and we indeed are demanding, public hearings. At the end of the day, should the government, and it appears as though they're hell-bent on doing that, move forward with this very flawed piece of legislation, ram it through without public hearings—we need feedback from lawyers and from the public to make sure we do the right thing.

Mr Bart Maves (Niagara Falls): I think, fundamentally, right now in the province of Ontario we've got a situation where poor people in several communities, in Brockville, Colborne, Ottawa and some other communities around Ontario, don't have access to lawyers because the lawyers in that society who typically accept legal aid certificates were not content with their recent increases in pay, which are now at about \$88 an hour. Extrapolate that: they're allowed to make up to \$196,000, I believe the number is, in billings for legal aid throughout a year. The push is for a wage rate of \$140 an hour. If you extrapolate that, you get upwards of \$300,000 a year. The government is in a position where some of the people in those communities aren't getting, can't get right now, counsel. So the government has decided to move forward and implement a mixed delivery system of public defenders which exists in eight other provinces in Canada, NDP, Liberal, Conservative government provinces, and in many of those provinces the system works very well. To be, as the Liberals are, on the side of the lawyers who want to have that wage increased from \$88 an hour to \$140 an hour, and to abandon those people who right now can't get legal help, I think is shameful.

1650

Mr Smitherman: I listened with great interest, and for a brief period with a great vantage point, to the comments by my colleague the member from Eglinton-Lawrence. I think he demonstrated, for any who were listening here in this House and at home on a Thursday afternoon, that he gets it, that he understands, as a member from Toronto, what it's like to try and ensure adequate representation for the broad, vast, diverse communities that we serve.

The last member from government indicates how badly he misses the point, because to him any level of service, not the quality of it but any level of it, any availability of it, is enough. He doesn't think that our justice system ought to be designed in such a way—the answer that has not yet come from the government is, what happens when the public defender role becomes the lowest common denominator in our system, when lawyers with little experience, and in some cases perhaps not as well-established track records, serve as public defenders and face off against lawyers who are better paid, better resourced and more likely, therefore, able to present their case?

So you talk about wanting to serve poor people and talk about communities like Brockville. Well, I look at my riding. I've got lots of rich people and I've got plenty of poor people too, and the poor people in my riding demand and deserve access to a justice system which works for them, which ensures them justice.

Look at the state of Illinois, what the Governor there has had to do with respect to a review of something like 160 death penalty cases. I think one of the things we need to look to in that instance in Illinois is the public defender role for some of those folks. We're now finding that many of them were not guilty.

The member for Eglinton-Lawrence is right. Which-ever way he votes, I'm voting.

The Deputy Speaker: Further questions, comments? Hearing none, the member for Eglinton-Lawrence has up to two minutes to respond.

Mr Colle: I do thank members from the government side and my colleagues from Toronto, from the beautiful Danforth, and what can you say about Rosedale and Muskoka? I just love Muskoka. The only trouble is, the last time I was in Muskoka—we're losing those beautiful lakes, with all those boathouses. With three slips, you can't see the shorelines of Muskoka any more. Sad but true.

To get back to Bill 181, we are not on the side of the lawyers, as the member from Niagara Falls said; we are on the side of the people of Ontario who for some reason are before the courts, who deserve representation, and fair representation. That's what this is about.

I know he brought in the dollars and cents, because he proved again that this is about bargaining in this assembly. That's what the Attorney General has basically stooped to. He's making us part of his bargaining ploy with the lawyers and the legal aid system.

I think the legal aid system is not perfect but it has worked generally well, considering the challenges. As my colleague from Rosedale said, in the greater Toronto area: 4.5 million people. There are 100,000 new people coming into the area every year. It is not like where Beaver lives. There are a lot of rough and ready things that go on, so you need good lawyers, a good court system, a good judicial system that is open, accessible and fair.

I hope this government would stop its posturing, stop these antics, really tactics, sit down with the providers, come up with a reasonable solution and stop trying to use the Legislature to get their way.

The Deputy Speaker: The floor is open for further debate.

Ms Churley: What we've been asked to do here today is to help cover a political problem that the government has, that the Attorney General has, because he's been unable to negotiate a fair deal with legal aid lawyers. So he has come before this Legislature with a slapped-together, quick-fix solution without many details. We've been asked to support this, and we're continually told by the government members that we're here trying to support rich-cat lawyers. That's not what this is all about. This is about fair and equal justice for all in this province. That is the cornerstone of democracy in Ontario, in Canada. We are proud of that, and that could slip away even further than it has to date. That is the concern that has been expressed here today.

That's a slap against democracy, but the fact that I've only got 10 minutes left to talk about this very complex bill—I have a lot to say on it; I've got 10 minutes in which to say it—is another area where this government has taken away some more democracy from our system here in Ontario, by taking away the opposition's ability to speak, and by taking away committee time.

This is a bill that cries out, in fairness and for justice, to be taken out for committee hearings because we are talking about changing the very foundation of how we provide access to the justice system for poorer people, lower-income people, for women and children fleeing from violence. Those are the very big, important issues we are talking about here. So no, this isn't just about lawyers and who supports lawyers and who doesn't. It's not about them at all. It's about providing justice in the best way we can.

I want to say how transparent the Attorney General and the Tory members who have been speaking today are when they deliberately use the general concept people have about lawyers, sort of like they have about politicians, and we're very familiar with that. They are deliberately, in this case, vilifying lawyers, saying they are greedy and want to make hundreds of thousands of dollars and are not worthy and we have to slap them down.

I want to make clear that most of the lawyers I know, the good women and men who provide legal aid services in my riding of Toronto-Danforth, a downtown neighbourhood which has, like that of the member for Rose-dale, a lot of low-income people and a lot of very high-income people, do the good work. I want to say to all members in this House that those lawyers should be held in our highest esteem for the work they do. Let me tell you that none of those lawyers that I deal with and that I know fit in any way the description this government has given, portraying them as fat greedy rich cats.

He suggests lawyers are pocketing \$70 or so an hour, and that's a lot of money, but he didn't go on to explain that those very fees also cover a lot of overhead: staff, office, training, all the fees lawyers have to pay. I would say to the Tories, who are deliberately attempting to discredit the legal aid lawyers: many of them actually lose money, do not make a cent, or make very little, because they cannot cover those overheads, and they don't pay themselves.

I want to take this opportunity to thank all the legal aid lawyers out there, in my riding of Danforth and beyond, who work so hard on behalf of the people they represent under the existing circumstances.

Speaker, you may not be aware of this, but I am hearing rumours that the government and the lawyers, the law society, may have reached a deal. I'm not sure, but the AG I'm sure could confirm that. They may have now reached a deal. I don't know what that is, if they have reached a deal, but I can say that whatever the deal may be, we still need public hearings for the main reasons I've already talked about. I don't know if a public defence system is generally a good thing or a bad thing. I don't know for sure. Maybe there are mixes that can work under the right circumstances.

What we do know is that in the US, when they heard about what we were doing here, US public defenders who were interviewed by the media about this bill before us were apparently, and I'm quoting, "stunned that the Attorney General in Ontario would be involved in the

public defender system at all." Here is why, some of the points. The experience in the US points to the importance of an independent board governing the public defenders. We don't know if that's going to happen here. We fear it will not be an independent board. Across the US public defender system, we found out, it runs the gamut. Some are good and work; some are well-funded and well-organized; others have no standards at all and pay very little. Right away you have a discrepancy in the type across the US, and in the type, the quality, of the service provided to low-income people. Thirty years ago, the Washington-based National Legal Aid and Defender Association developed caseload standards that many states have since adopted, but we've been told the association claims that lawyers still are not meeting those standards.

Those are just a few points, a few reasons why we need to take the bill out for public hearings.

1700

If the rumours I'm hearing are correct, that a deal has been reached or almost reached, what kind of hybrid system is going to be brought forward? What are we going to see? We need to have an opportunity where people, lawyers who are working in the system, can come and talk about their experiences, where clients, former clients, the communities can come and talk about what they think of the system being proposed and how it might be changed to be better.

I don't know. I rely on the expertise of Peter Kormos, who is our criminal justice critic, because he has experience in this area. What I can tell you is that there are so many flaws in this bill to date that we have really big concerns about them, and the bill is being rammed through.

I want to touch on something else. I think I'm going to hear it again in two-minute responses, and that's OK. Everybody knows the New Democratic Party didn't increase the funding for the legal aid system. What I would say to the government is that it's something that was a bit of an issue then. It wasn't a crisis, but it was an issue during a very bad recession when we were balancing many needs, at a time when we made choices and created quite a big deficit, as everybody knows as well. Every time we borrowed money, which went to try to keep people afloat in a failing economy, we made that choice. We made choices as to where to spend that money. It was the third party at the time, now the government sitting here, that would have made the loudest noise had we increased the deficit a bit more so we could increase the funds for legal aid.

I will say this: the time is now, the crisis is now. Ten years ago there was no crisis. To be sure, more funding could have been used. I'm sure the legal aid lawyers would have preferred it, would have liked it, but they were managing. Now they are not managing, with all the changes and the cost of living. The crisis is now. It's now that the demand is there to fix it, and the government was unable to sit down and reach an agreement. I hope very much an agreement has been reached.

One of the reasons these legal aid lawyers—you can't blame them, not having had a raise in 15 years. Then they find out the lawyers who work for the crown were given a 30% raise two years ago, and they got left out. They are the people who are out there in the trenches doing the very hard work.

I'm going to end. I don't have time to get into it, but I spoke earlier about my concern with this kind of public defence system, that in particular women coming out of a family violence situation are very vulnerable and need to have the opportunity to choose a lawyer on their own to fulfill their own needs. At that vulnerable stage, if they and their children are fleeing from a violent situation, they need somebody they're comfortable with, somebody who sometimes can help them with their emotional problems. This is no simple, black-and-white law and order. This is a very complex issue and I would demand that the government bring it out for public hearings.

The Deputy Speaker: Members now have up to two minutes for questions and comments.

Mr Maves: I appreciate the opportunity to respond to the comments of the member for Toronto-Danforth. It was interesting to note that she had more of a tone today where she's not quite sure whether the mixed delivery system is a benefit or not. I don't know what to attribute that to. I think her party is quite opposed to the bill. I know Mr Kormos has asked for public hearings. The NDP, to date, has done nothing but say that moving to have some public defenders is the wrong way to go. She had a bit more of a conciliatory tone.

I wondered if that had anything to do with the comments from my colleague from Parry Sound-Muskoka, Mr Miller. He posed a very interesting question in his speech when he asked why the New Democrats would "oppose a bill that would allow Legal Aid Ontario to implement a system that has worked well in a province governed" by the NDP. He called them their "ideological and partisan soulmates," and asked why, if it works in Manitoba, it wouldn't work here.

Furthermore, he said that he felt it was "incredibly ironic that a caucus that trumpets the quality of services provided by the public sector is so vigorously defending a private sector monopoly that has been denying the vulnerable people they claim to represent access to justice." It was a very interesting question.

It's a private sector system now. The bill actually moves to introduce a public sector component, which is something the NDP go to no end—we know this about them; they're consistent on it and that's good—to trumpet. So why they would oppose this bill that brings in a public sector component is somewhat passing strange.

Mr Smitherman: I'm happy this afternoon to have a chance to comment on the speech by the member from Toronto-Danforth, or the member from across the river, as we like to refer to her in Toronto Centre-Rosedale, as we share a riding boundary. I know she's listening intently to everything I would say.

I wanted to pick up on a comment I was making earlier in consideration of the remarks by my colleague

the member from Eglinton-Lawrence, and that is that in moving forward, in sending a message of a dramatic change in the nature of delivery for legal aid for low-income Ontarians, what's the due diligence on the part of the government in terms of looking at models that have worked?

We hear a lot about Manitoba. When I think about jurisdictions that are analogous to my riding of downtown Toronto, Manitoba isn't always at the top of the list. I must confess that some of that stuff I heard earlier was Newfoundland and Labrador.

Ms Churley: That's where I'm from.

Mr Smitherman: Great. More power to them.

I'm interested in trying to see the effect of Governor Ryan—I believe that's his name—the governor of Illinois, a Republican and pro-death penalty philosophically. He has stayed the execution—I'm not sure if I've got the phrasing right—and is reviewing on a case-by-case basis 160 death row murder convictions and is tossing them out left, right and centre for a variety of reasons. Some of it's new evidence or confessions or DNA. Is there a factor there about the low quality of public defenders in the state of Illinois? I don't know. I'm posing the question and saying that in moving forward with a bill without having done due diligence on a matter like that underscores the very real concern that low-income people will not have access to good-quality justice, and that's a problem.

Mr Bisson: I want to commend the comments made by our deputy leader, Marilyn Churley. If the members across the way from the Conservative caucus were listening—it was interesting to note they got up and said, "Oh, her conciliatory note. Is that because she supports the legislation?" You missed the point of her speech. I understood what she was saying—

Mr Maves: No, that's not what I said.

Mr Bisson: Listen for a second. You guys are trying to ram a piece of legislation through the House lickety-split, without any real committee time to take a look at the very serious issues that have to be dealt with in this bill.

The fact, and she pointed it out, is that you've created a crisis in the legal aid community. You have not adequately funded legal aid across this province. To try to say, "Oh, it was the NDP that caused the problem 10 years ago," is a bit of a stretch.

The reality is that 30% of people in the court system today in our community of Timmins are not able to get representation when they go to court. Why? Because your government changed the policy by which people are able to get legal aid tickets to have that representation.

1710

Marilyn Churley was 100% right when she said there are vulnerable women who are fleeing from situations of abuse who are having difficulties today. We're asking the simple question: is it the right thing to do to have a mixed system where you use public defenders? Is that a good system? My good friend Mr Smitherman raised the point: is there any correlation between the bad convictions that

have happened in Illinois, where a whole bunch of people are having their convictions overturned because of the public defender system? I think it's a good question.

So we're saying let's take a look at this bill in committee. There was a deal between the government and the opposition parties to do 12 days of public hearings, four days of clause-by-clause. It was agreed to at the House leaders' meeting. I was there. Your Attorney General said, "No, I don't want a deal. I don't want this going to committee," and you're saying to us, "Oh, now you guys don't agree." Excuse me. This is a serious matter and it deserves serious consideration. That's why we want it to go to committee. I commend our deputy leader for having raised that issue.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It is a pleasure to join the debate this afternoon and perhaps respond to some of the comments made by the member for Toronto-Danforth, as well as other members; for example, my esteemed colleague from Niagara Falls, who is usually quick on his feet. I know he's going to be speaking a little later on and I'm sure we'll be listening to what he has to say; Toronto Centre-Rosedale, Timmins-James Bay.

One of the things the member for Toronto-Danforth mentioned was, "I know the members opposite are going to ask, what did we do when we were in power?" Yes, she's right, we are going to say that. They were there five years, practically. Usually, as you know, governments have four years. They can extend up to five if they are a little bit nervous going into the election, and that's what they did when they were in power. They stretched it just to hang on to power for five years. But they did not do anything; they could have addressed the issue.

In the meantime, we have increased I believe by 5%—I don't know the exact numbers. I think it's now up to close to \$80, or \$77. I'm not sure exactly what the numbers are, but I think it's decent. I'm not saying it's too much or too little. I'm not the judge of that. But comparing it to other professions, I think it's a decent wage. I'm not saying that they shouldn't be asking for more; I think everybody deserves to ask for more. But we have to be practical.

As you know, the combined system, the mixed system, seems to have worked in Quebec and Manitoba for the last 30 years. I understand that in civil legal aid there's already a mixed system in Ontario. So I don't know what the problem is. I think it's a good system that the Attorney General is proposing and I certainly support that.

The Deputy Speaker: Before I return to the original speaker for the two-minute responses, may I just remind members of the House that when you're doing two-minute responses, it's to be based on what the original speaker said and not what anyone may have commented on. The previous speaker said he was going to do it and didn't and I'm glad that he didn't, but I would remind members that is the standing order of the House.

Back to the member for Toronto-Danforth for a response.

Ms Churley: I would like to thank all the members for their comments. I would urge the members to take a look at your very own report, the McCamus report, which has been shelved for about five years now. It said very clearly in that report that block contracting should not be used as the means to deliver family law legal aid services, and that is a major concern of mine. But the report also said private lawyers should continue to be primary providers of services.

Let's be very clear on this, because I do not support this very flawed bill before us. I believe if this bill is passed as it is, a terrible injustice will be done to poor, low-income people in the province. Let's be very clear on this. What I'm concerned about is that this bill is going to be rammed through without proper debate time. This is all the time I have now, today, and others will not have had the opportunity to speak. No public hearings, and it is a very complex issue. As the member for Rosedale said, the due diligence has not been done. I don't understand all the ramifications of this Americanized system. The public doesn't understand all the ramifications. The government members don't understand all the ramifications of this piece of legislation and of moving to this public defender system.

We are talking about some kind of hybrid system, but we don't know exactly what it is. I don't support the direction the government is moving in, but I want more of an opportunity to understand exactly what they are suggesting and where they want to go, and I really want the lawyers who are in the field to have that opportunity as well.

The Deputy Speaker: Further debate?

Mr Maves: It's a pleasure to rise and contribute to this debate. Before I get into my own comments, one of the comments made across the way, I think by the member for Timmins-James Bay, was that the government has created a crisis in this situation because it is not paying legal aid lawyers enough, and he said, "Don't blame us for being here 10 years ago." It's interesting that he would say that. I think the members opposite—I was in the Legislature a couple of nights ago when Mr Bryant, the critic for the Liberal Party, and our Attorney General were in this chamber together. Mr Bryant was speaking, and they kind of went back and forth with two-minute hits.

What's interesting to me is that when I look at the provincial comparison of legal aid tariffs, we in Ontario are the highest in the country, and not by a little. We're at \$88 an hour. From 1987 to 1990, the Liberal government increased that by a total of zero per cent. From 1990 to 1995, the NDP government increased those rates by a total of zero per cent.

So we said, "Maybe there is a problem. They haven't had an increase over those 10 years," and so we did give them an increase. They're now at \$88 an hour. Is that the highest in Canada? Yes, it is. Is it the highest in Canada by a little bit? We have the highest paid nurses in Canada—ahead of Alberta again after our recent contracts—by about 30 or 40 cents an hour, I believe.

What is it in this case? The second-highest to Ontario is not \$86 or \$84 or \$82. It's actually \$74. The legal aid lawyers in Ontario are \$14 an hour ahead of the next closest province and that's Alberta at \$74. BC is third at \$72 an hour. Newfoundland is at \$60 an hour, PEI is at \$60, New Brunswick is at \$60 and Nova Scotia is at \$55 an hour. So for the member opposite to say—after we gave them a wage increase ranging from between 5% and 23% just this year, by the way—that we're underfunding it and starving these lawyers to death is kind of ridiculous.

Mr Bisson: So why aren't they taking the tickets?

Mr Maves: The member opposite says, "Why aren't they taking the tickets?" In fact, they are taking tickets all over Ontario. But there are places in Ontario where they are not. So we are implementing a mixed delivery system so we have a backup to the system we currently have.

When I heard Mr Bryant last week, the Attorney General said, "What's your position?"

He said, "Let me speak very slowly. I'm against the bill."

That's not a position on an issue. The issue is broader than standing in the Legislature and saying, "I'm against the bill."

The issue is, what would you do if you were the Attorney General and poor people in Brockville, Cobourg and Ottawa were being refused service? Silence. Well, they'd pay them a little more money.

Right now, at \$88 an hour for 2,000 hours a year, that's \$176,000. They can top that up and go a little further to about \$196,000 that they can bill for legal aid. They want to move to \$140 an hour. The next closest province is at \$74 an hour, and they want to move to \$140 an hour. Mr Bryant, by his silence, and his support of legal aid lawyers, indicates that he supports their position. That would move legal aid lawyers to—\$140 an hour at 2,000 hours a year is \$280,000 a year. That's a substantial amount of money. We on this side of the aisle said, 88 bucks an hour, with 74 bucks an hour in Alberta, the second-closest province, we think is fair and reasonable, but in some places they don't want to work for that amount of money. So we said we have to do something, so let's go with the mixed delivery model.

1720

One of the reasons why we thought that might be a good idea is because a gentleman named Patrick Monahan, who used to be an adviser years ago to the Liberal Attorney General Ian Scott and Premier David Peterson, writes in his book, *A New Legal Aid Plan for Ontario*, along with Frederick Zemans, that we should indeed move to a mixed delivery system. The member opposite, Mr Bryant, the critic for the Liberals, talks in glowing forms about Mr Scott and Mr Monahan, and this is exactly what these gentlemen have recommended.

As I've said already, in eight other provinces they have some mixed delivery services. My colleague from Muskoka talked about the mixed delivery system in Manitoba, where 60% of legal aid work is via certificates and staff provides 40%. They say one of the beauties of

their system is its choice of counsel. We all support choice, and why shouldn't those folks have the choice? Maybe, where there's a mixed delivery system, they know of a staff lawyer who has a good reputation and they want to use that staff lawyer, so they can. Maybe they know someone who is not a staff lawyer but they can go and get them with a legal aid certificate. They have that choice in that mixed system, and I think that's appropriate.

I want to go back to members opposite. Again, Mr Monahan, who worked for the Liberals, was a staunch Liberal adviser from 1987 to 1990. He said that—

Mr Smitherman: A staunch adviser?

Mr Maves: Well, he was an adviser. How's that? Captain Critical over here.

Captain Smitherman complained that a public defender system probably doesn't offer the same quality of service. Professor Zemans, in his book, and he has spoken publicly, says that "All the studies show that in fact client satisfaction, rates of guilty pleas, rates of incarceration do not significantly change under a mixed delivery scheme." So I hope that brings some comfort from a well-known expert, from Osgoode Hall Law School. With their experience in looking at the legal aid system in Ontario and public defender systems in the United States, they came to that conclusion.

I think it's an appropriate bill for a variety of reasons. I think the Attorney General has been generous with legal aid in Ontario. Again I say, we're \$14 an hour ahead of the next-closest jurisdiction in what we pay them. The Liberal Party opposite seems to want to go back to the treasury and pay yet more as their simple solution to this problem. We say that can't always be the solution you come up with. You can't just say, "We'll just spend more money, just throw more money at it."

The Attorney General has thought about it and he's looked at jurisdictions around the country and has talked to experts in the field. He's done his homework and he has said, "Let's move to a mixed delivery model." I've not heard anything yet in the Legislature that tells me that it is a wrong move, and I commend the Attorney General for his actions. The members opposite talk about having some kind of agreement ready with the lawyers in the province on legal aid tariffs. He may very well be in a situation where they're about to make an agreement. I have no idea. I haven't talked to him about that recently. Regardless, I think this bill is an appropriate bill and I think moving to that mixed delivery system is an appropriate step for the system here in Ontario.

Maybe we got pushed to this point. Maybe we should have moved to this point earlier. Maybe that could be the case. Maybe, if anything, we're guilty of not moving toward a mixed delivery model earlier. However, I think it's an appropriate move at this point in time, and that's why I'm supporting the bill.

The Deputy Speaker: Members now have up to two minutes for questions, comments.

Mr Kwinter: I want to continue participating in this debate by making a couple of comments, particularly on

the member for Niagara Falls. Professors Fred Zemans and Patrick Monahan wrote a book. I have no quarrel with the book, in theory, and no quarrel with a mixed delivery system. But if the system was going to work, it would be working now.

The problem we have is that there aren't enough lawyers who are prepared to take legal aid certificates at the rate they're being paid. So even if you put in a mixed system, and those people in the private sector who would be prepared to take the legal aid certificates aren't there, then your system is not going to work.

You also keep comparing Ontario with other jurisdictions across the country. That is an unreasonable and unfair analysis because the cost of living, the cost of rent, the cost of all of the things that happen are far higher in Ontario. If you're going to do that, then at least put in some factor so you can realize the difference in the economics.

If the lawyers continue to refuse legal aid certificates, then what you really have is not a mixed system but a single system, where the only people who are taking these cases are people who are going to be staff lawyers, and then you get all of the problems that we've outlined.

I think the mixed system can work, but only if you make it attractive enough for those people who are in the private sector to participate. If you don't get them on board, your mixed system doesn't work because you're missing a very important part of the equation.

Until you understand that and realize that, then you don't have a system. You can't impose it. There is no mandatory requirement that any lawyer has to take a legal aid certificate. So unless you have their goodwill and their co-operation, the system will not work.

Mr Bisson: I thought those were excellent comments that were just made, but I won't comment on them.

The government member got up and said, "The opposition opposes this. What is their solution? What are they going to do? They're not standing for anything." All we know is what we're telling you to be true. The problem, as was described earlier, is that the legal profession now is not subscribing to the legal aid system to the degree that we need to represent people, especially at the lower-income scales.

As I've said, in the community of Timmins, I'm told by people who work in legal aid that 30% of people who go before the courts are going unrepresented. So I'm asking you a very simple question, as the member put forward: how is a mixed system going to deal with those particular individuals?

It seems to me what we're going to end up with is a law for the rich and a law for the poor. We're going to increase that problem tenfold, because those people who can afford to pay for lawyers, as they do now, will get one class of service. There's not going to be enough lawyers who are willing to take the legal aid certificates, because it doesn't pay enough, so people will be forced to go into the public defender system. Then how is that going to work?

You end up before a court and all of a sudden this poor public defender gets the case foisted on him at the

last minute, has to come up with a defence, doesn't have the resources to properly investigate, doesn't have the time to spend on the case in order to properly defend the person, and the person is found guilty. All I know is, that's not a system that I favour.

What the New Democratic Party is telling you—my leader, Howard Hampton, and our critic Peter Kormos—is that we had a deal to send this bill to committee. We were going to go 12 days to committee in order to have the legal community and others come before the Legislature to tell us about how you can make this work, if you can make it work at all. The reality is that your government has walked away from that deal.

So don't come to me and say, "Well, what are you proposing?" All I know is, the mixed system is not the answer, and certainly what we've got now is a problem. So allow this thing to go to committee so we can figure out what to do.

1730

Mr Miller: It's my pleasure to comment on the member from Niagara Falls, who certainly raised some rational concerns and points to do with this bill that has been put forward to really make sure that those who need it are receiving the assistance of a lawyer. The solution that has been suggested in this legislation is a mixed delivery system, whereby there will be some staff lawyers and there will be other lawyers who will participate in the system via a certificate whereby they're paid currently \$88 an hour. As has been pointed out, that \$88 an hour is the highest fee in Canada at this point. It probably isn't a lot compared to a regular lawyer fee, but I think there is also some civic responsibility involved, where every lawyer should be providing some service for those who can least afford it. So I think a blend of the certificate system at \$88 an hour and staff lawyers is a good way to go.

Actually, I'm quite surprised that the NDP are against this, because they're usually in favour of more public servants against anything private at all. So I'm kind of surprised, because this is really having more civil servants, having staff lawyers, having publicly paid employees. So really it's quite surprising to me that they aren't in support of this.

The member from Timmins-James Bay was talking about 30% of people who are not able to get a lawyer. Well, that's what this is all about: solving that problem.

I think we also have to think about the victims as well. Last night I saw on the news that a convenience store in my hometown of Bracebridge was robbed and the owners were savagely beaten. So we have to also remember victims when we're talking about the justice system.

Mr Bisson: On a point of order, Mr Speaker: I'm sure that members would like to know that former member Derek Ferguson is here amongst us, whom we haven't seen in a long time.

The Deputy Speaker: I believe it's Derek Fletcher. Welcome. Good to see you again.

Mr Bisson: I have to say I'm sorry. I can never remember all the names, even now.

The Deputy Speaker: Thank you. Now we're going to—I had to figure out where we were at. Questions and comments?

Mr Michael Bryant (St Paul's): I would say that the government may be engaging in a certain amount of, shall we say, economical use of the truth, in that the suggestion that the recommendations of the likes of Monahan and McCamus, of the law society and others, are somehow being followed here is just not right. If all the government wants to do is bring in some staff lawyers on a mixed basis to address legal assistance, the dirty little secret about this bill is that they can do it right now under the present legislation. Right now, Legal Aid Ontario can do just that. But that's not what this government wants to do with this bill.

This government wants to, first, take away the independence of Legal Aid Ontario, take away the independence of an independent body set up under their own law in 1998 to determine legal assistance, usurp that and put that into the hands of cabinet. And that, we say on this side of the House, is a blank cheque to deliver a mortal wound to legal assistance in Ontario, because it will inevitably result in poor quality, poor economics, no independence, a plea-bargain factory and the failure of legal assistance in Ontario that for years had been a bedrock of our judicial system.

So I say to members of the government that they may be citing their supporters in a fashion that uses the truth in an economical fashion.

The Deputy Speaker: The member for Niagara Falls for up to two minutes on a response.

Mr Maves: To the member for St Paul's I just say, "Boo!" There's a bogeyman behind every door to the member for St Paul's. It's quite comical to see what a conspiracy theorist he is. He's worse than a whole bunch of other members in the Legislature, and there's a bunch that think there are a lot of conspiracies. But the comments he just made were, in fact, complete rubbish—100%.

As I said earlier, I was here for the member for St Paul's debate with the Attorney General a couple of nights ago. The Attorney General wanted him to state his position, and he said very slowly that he's against the bill. But of course, he knows that doesn't state a Liberal position. So on this side of the aisle, we're pretty convinced that the Liberal solution to this entire problem right now is more money. Why? Because, quite frankly, that is always the Liberal solution to just about every problem that faces us in Ontario today.

The member for York Centre, when he got up and responded to my comments, confirmed, as the Attorney General and I concluded the other night during debate, that indeed their solution to this problem was more money. He stated quite clearly that we need to pay the lawyers more money, that the recent increases we gave them—mind you, when the member was in the Legislature as a cabinet minister from 1987 to 1990, he didn't want to pay more money, but now he wants us to pay more money. He complained that 88 bucks an hour was

not enough compared to Alberta's 74 bucks an hour. That's not fair because the cost of living is higher. That's why the rate is \$14 an hour higher. Even though the Liberals are sometimes hesitant to state what their solution is, what their actual position is on an issue, it's nice to know, it's nice to be able to confirm here tonight, that indeed their response once again is to throw more money at a problem.

The Deputy Speaker: The floor is open for further debate.

Mr Joseph Cordiano (York South-Weston): This is yet another demonstration of a government pattern that repeats itself in terms of its lack of concern and consideration for true justice for all in this province. It's another example of this government being entirely without concern for what's fair. It isn't just about more money; it is about setting priorities, allowing people who cannot afford access to justice to gain access to justice. That is one of the fundamental values we hold dear in this province. It is of fundamental importance to us to have access to justice. It's the cornerstone of our democracy. It's part and parcel of what we believe in. This government always and forever reduces everything to dollars and cents, and it does so without due consideration for those who can least afford to pay. So sure, it comes down to dollars. If you can afford justice, you're going to get justice. That's the Conservative way in this province. That's what this government has wrought on this province. It repeats itself in every way.

When it comes to funding our public education system, what has this government done? It's going to fund private schools to the tune of \$3,500 by way of a tax credit. That sets up the possibility for a two-tiered system. That's a very complex subject and it cuts both ways. Many people who send their kids to private schools that are religious in nature can't afford those schools. They make supreme sacrifices. There's no doubt it cuts both ways. Throughout my political career, I have seen that there is some argument to be made for that. But I think this government isn't really directing its attention to that. I think this government is setting up a two-tiered system for education because it basically says, "Why should we provide the best level of education to all? Why should we provide the same level of service to all, the same access to justice for all, if you can afford to pay it?" That's where we draw the line because somehow in society we need to determine who's going to get what level of service on the basis of your ability to pay.

1740

Let's talk about the reality. The reality is, and the truth is, that this government and all of its members believe in that very concept, that if you can afford to pay for these services, which they deem to be Cadillac services—and we've seen this government, without any concern for the poor, slash welfare rates at the very beginning of its term in office, condemning people who were dependent on social assistance to be greatly disadvantaged, more than they were already disadvantaged, relying on social assistance. Speaker, as you and I know, we all have people in

our ridings who are dependent on social assistance. None of these people live a luxurious lifestyle. None of these people have the privileges that most of us have. We're talking about these very people when we're talking about access to legal aid in Ontario.

What this government proposes to do is yet again strike a blow against those people who can least afford any other knocks against them. I have seen throughout my political career people not having access to justice because they can't afford to access justice. Often, it's people who are poor that need access to justice and need some assistance in paying for that access.

I think, and others who have spoken before me in my party and my colleagues think, that what this government is proposing by way of a public defender will lead to a two-tiered system. I don't think that people will be well served by this at all. Once again the government is moving headlong into this process, setting up this system without any due consideration.

I agree with those who have said we should have hearings on this bill. I agree with those who say that this is a significant and important change in Ontario's history. It's not something we should take lightly and it's not something that shouldn't be debated at great length, not just in this assembly but in committee. I think a committee that's properly structured should be given the opportunity to examine this bill in greater detail to determine what the real impact is going to be on a system that we restructure. Will it be of value? Will there be merit? On the surface, that does not appear to be the case.

I do not profess to have any expertise in this area, but I know from years of experience that people have had great difficulty accessing legal aid. I just want to cite some facts and figures. The number of certificates has gone down dramatically. It used to be in the early 1990s that the number of certificates was some 200,000; by 1996-97, that number dropped to 75,000. So is there access to justice? It has been reduced for people with low incomes. It is greatly declining. Again, the number of lawyers willing to do legal aid work has declined dramatically. In 1995-96, it used to be 5,011 lawyers, and it dropped to 3,865 lawyers in 2000-01. That is a very steep decline in the number of lawyers that can take on this work. Now far be it from us to suggest that lawyers in general aren't well paid in this province, but we can see from the decline, in terms of the certificates that are issued, that there hasn't been an increase in the tariff since 1987.

More money is required and there's no getting around that. The old saying is you get what you pay for. If you create a two-tiered system, then you're going to get a two-tiered system, with those who can afford to pay for the best legal services and the best legal minds getting those best legal minds, and those who can't get the public defender. It's exactly what happens in the US; there's no secret about that. So again, I think we're moving quickly toward an Americanization of all aspects of our society, all aspects of our lives as we know them in Ontario. This government is precipitous in its desire to become more Americanized.

Will it save money? Probably. But is that what we want in the end? You know we saved money when you slashed welfare rates to social assistance recipients. On the other hand, you set up two-tiered systems. I think the attempt is still being made to do that in health care. There's at least a queuing process that is obviously putting a lid on health care services and what's accessible and what's not. The delays in health care amount to the same thing. You essentially have a two-tiered system. People jump the queue all the time in the health care system. They have access to better health if they know the right people. These are anecdotal stories that we hear all the time.

This is the sort of thing you're imposing on legal aid. I don't think that, in the end, it's going to serve people with low incomes very well and it's not going to serve our society very well if people don't have access to justice.

I believe that the public defender, going that route, essentially amounts to creating a two-tiered system. It is yet another example of a government that has set a pattern, and when it comes to people with low incomes, they just don't give a damn.

The Deputy Speaker: Members now have up to two minutes for questions or comments.

Mr Bisson: I thought those were interesting comments. I only wish that the government at times would listen a little bit to the comments that are made by the opposition. The government seems to get the feeling that everything we do on this side, when it comes to the opposition, is oppose for the sake of opposing. Well, it's not the case. There are certain issues in this House that, yes, we have ideological beliefs and differences on that we will oppose you on. For example, when you attack workers or when you attack the most vulnerable in our society, we New Democrats will go after you on that, and I understand that; that's fair game. When we were government, you attacked us on things.

But on bills like this one we probably can get some agreement, and this is what is really frustrating. I went to the House leaders' meetings about a week ago, and there was a decision that we were going to allow this bill to go to committee for 12 days. We were going to allow outside-of-Toronto travel for four days and it was going to allow consumers of the system, the lawyers in the systems and those people who know far more about the system than all of us put together to come before us and say, "How about a mixed system; is there some validity to that; are there some things that we need to do differently; how can we make the system work?" What we can all agree with on both sides of the House is that the current system has a problem.

Thirty per cent of the people in my community of Timmins are going to court and don't have representation. The reason for that is that there are not enough private sector lawyers who are willing to take legal aid certificates. Why? Because, in their view, it doesn't pay enough.

We know there's a problem there, so we're saying that there has to be a solution. Possibly, part of the solution is to go to a mixed system. I'm not sure that you would have to go a long way to convince me on that, but the issue is that we are not going to resolve it by saying, "Oh, we fixed this, because now we're going to go to a mixed system." We will still be left with the same problem, and that is that those on the lower-income scales in our society are not going to be able to afford to hire lawyers, they won't be able to get into the legal aid system because not enough lawyers are willing to take the tickets, and they will be represented by public defenders who, I would argue, won't have enough time to prepare their cases. What are you doing to fix the problem? Nothing.

Mr Maves: I'm rising to respond to a couple of things the member from York South-Weston, the members proceeding him and the member from Timmins-James Bay just said: that there are not enough lawyers in the system and that's the problem.

We believe that this bill is going to add more lawyers into the system, and that will help to solve the problem. The member from York South-Weston also agreed with the member from York Centre, Mr Kwinter, that they need to be paid more money. We're glad they finally are starting to put their position on the record. We already gave them that raise to \$88 an hour, the highest in the country by \$14 an hour. They want to go higher still and throw more money at it.

1750

The interesting thing about that is that the Attorney General and I tried to pin down the critic, Mr Bryant from St Paul's, on this, and he was careful not to say this. I want to just read into the record a conversation between a reporter and Mr Bryant. The reporter said on September 30, 2002, "What would you do—spend more money on legal aid to fix it?" Michael Bryant: "No," he said. A little bit offside with his members. "You know, the experience in the United Kingdom and other jurisdictions has been to, yes, reform the legal aid system. You look at different ways of providing it."

That's what we're doing in this bill. So it sounds like he supports the bill. Just two minutes later the reporter said, "Do you think there should be a raise?" Michael Bryant: "Obviously the tariff has got to be increased."

The quickest flip-flop on record by the Liberal Party. One minute he said no; the next minute he said that obviously there's got to be a raise. In here today, his members are also saying, "Give them more money. Throw more money at the problem." The Liberal magic elixir to everything.

Mr Bryant: This is great. This is a debate. He says something and I say something back. This works well.

Let me say it again: a mixed system is already in the law. I don't understand. I don't know how many times I have to say it. We already have the capacity, the legislative capacity, to have a mixed system.

Mr Maves: No, we don't.

Mr Bryant: He says, "No, we don't." You should read the law that you passed in 1998. The mixed system is already on the books. It's on the books. So if it's there, then what is the government doing? Why are they bringing in this legislation?

If, as the member says, it's about a judicial decision, well, you appeal the judicial decision. What, are we going to bring in legislation every single time the government doesn't like a judicial decision? No. And the Attorney General, of all people, knows that. The Attorney General has to, as a matter of course, like every Attorney General before him, appeal decisions of the courts up until the point a decision is made, such as, for example, on the McIntyre decision dealing with contingency fees, that they're not going to appeal further, just as with the Hydro One initial public offering decision of the Ontario Court of Appeal, which the government decided not to appeal further.

If the Attorney General has a problem with an interpretation of a bill that clearly says Legal Aid Ontario has the flexibility, then it should appeal the decision. But that's not what this bill is about. It is not a backhanded way—it shouldn't be a backhanded way—of appealing a decision. It is an effort to usurp the powers of Legal Aid Ontario, which currently has the last word on administering legal assistance, and to put it into the hands of cabinet. That is what this bill is about. And we say that's going to end up costing taxpayers more and it's going to end up serving the public less, which seems to be the Harris-Eves formula on governance.

The Deputy Speaker: Further questions, comments? Hearing none, I'll go to the member for York South-Weston for up to two minutes in response.

Mr Cordiano: Once again, I think that the government is attempting to push something through which, it says, will in the end serve people with low incomes much better than what we have already. You know, at the end of the day, this is about the government cutting back on costs. This is about giving a cut-rate service to people. And that's what it really amounts to. Low-income people will not have access to justice at the same high level, high standards of legal justice that others would who could afford to pay for it, if we go the route of the public defender. I think that is not something that could be shielded away from. This is what this bill amounts to.

I think it's a pattern that's been followed by this government, whether it's raising fees of one kind or another in the health care system for seniors, for copayments of every kind, when it came to slashing welfare rates for people on social assistance. At the end of the day, this government is saying to people with low incomes, "Tough. It's the way it is. We can't afford to pay for these types of services. You're going to have to tough it out."

This has been a cornerstone of our way of life, of our society. We have always believed that people should have access to justice and should be given that opportunity. That's why legal aid was created in the first place.

This is about dollars and cents. It is in the end about the government trying to save money. It is about the government trying to curtail services that were there in the past and that it will no longer make available to people with low incomes.

The Deputy Speaker: It now being almost 6 of the clock, this House will stand adjourned until 6:45 this evening.

The House adjourned at 1755.

Evening meeting reported in volume B.

CONTENTS

Thursday 17 October 2002

PRIVATE MEMBERS' PUBLIC BUSINESS

Ontario Water Resources Amendment Act, 2002. Bill 183, <i>Mrs Marland</i>	
Mrs Marland.....	2179, 2186
Mrs Dombrowsky.....	2180
Mr Martin.....	2181
Mr Arnott.....	2183
Mr Bradley.....	2185
Mr McDonald.....	2185
Agreed to.....	2195
Highway Traffic Amendment Act (Cellular Phones), 2002, Bill 49, <i>Mr O'Toole</i>	
Mr O'Toole.....	2187, 2195
Mr Colle.....	2188
Mr Bisson.....	2189
Mr Barrett.....	2191
Mr Smitherman.....	2192
Mr Miller.....	2193
Mr Agostino.....	2194
Mr Martin.....	2195
Agreed to.....	2195

MEMBERS' STATEMENTS

Highway 69	
Mr Bartolucci.....	2196
York region Crime Stoppers	
Mrs Munro.....	2196
Gatehouse	
Mrs Dombrowsky.....	2196
Legislative pages	
Mr O'Toole.....	2196
Dani Harder	
Mr Caplan.....	2197
Educational assistants	
Mr Christopherson.....	2197
Persons Day	
Mrs Marland.....	2197
Government's agenda	
Mr Duncan.....	2197
Prosperity 2002	
Mr Stewart.....	2198

REPORTS BY COMMITTEES

Standing committee on general government	
Mr Chudleigh.....	2198
Report adopted.....	2199

ORAL QUESTIONS

Post-secondary education	
Mrs Bountrogianni.....	2199
Mrs Witmer.....	2199, 2201
Mr Marchese.....	2200
Mrs Cunningham.....	2201
Mr Christopherson.....	2201
Kyoto Protocol	
Mr Bradley.....	2200
Mrs Witmer.....	2200
Autism treatment	
Ms Martel.....	2202
Mrs Elliott.....	2202
Educational assistants	
Mr Agostino.....	2202
Mrs Witmer.....	2202
Ontario economy	
Mr Dunlop.....	2203
Mrs Ecker.....	2203
Education	
Mr Kennedy.....	2203
Mrs Witmer.....	2204
Services for the developmentally disabled	
Mr Chudleigh.....	2204
Mrs Elliott.....	2204
Long-term care	
Ms Martel.....	2205
Mr Clement.....	2205
Appointments process	
Mr Smitherman.....	2205
Mrs Ecker.....	2206
Immigration policy	
Mr Gilchrist.....	2206
Mr DeFaria.....	2206
Hydro rates	
Mr Peters.....	2206
Mr Baird.....	2207
Health care	
Mr Maves.....	2207
Mr Clement.....	2207
Site of early Parliament	
Mr Prue.....	2208
Mr Tsubouchi.....	2208

PETITIONS

Education funding	
Mr Kennedy.....	2208
Long-term care	
Mr Smitherman.....	2209
Mr Curling.....	2210, 2211
Mr Barrett.....	2211
Volunteer firefighters	
Mr Barrett.....	2209
Highway 69	
Mr Bartolucci.....	2209, 2210, 2212
School closures	
Mr Barrett.....	2210, 2211

SECOND READINGS

Legal Aid Services Amendment Act, 2002. Bill 181, <i>Mr Young</i>	
Mr Dunlop.....	2212, 2216
Mr Curling.....	2214, 2217
Mr Bisson.....	2215, 2228, 2231, 2233
Mr Miller.....	2215, 2220, 2224, 2231
Mr Agostino.....	2215, 2216, 2220
Ms Churley.....	2219, 2223, 2225, 2226, 2229
Mr Galt.....	2219, 2223
Mr Kwinter.....	2219, 2223, 2230
Mr Klees.....	2220
Mr Colle.....	2223, 2224, 2226
Mr Maves.....	2226, 2228, 2229, 2232, 2234
Mr Smitherman.....	2226, 2228
Mr Gill.....	2229
Mr Bryant.....	2232, 2234
Mr Cordiano.....	2232, 2234
Debate deemed adjourned.....	2235

OTHER BUSINESS

Visitors	
Mr Chudleigh.....	2198
Mr Phillips.....	2198
Legislative pages	
The Speaker.....	2198
Business of the House	
Mr Baird.....	2209

TABLE DES MATIÈRES

Jeudi 17 octobre 2002

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

Loi de 2002 modifiant la Loi sur les ressources en eau de l'Ontario, projet de loi 183, <i>M^{me} Marland</i>	
Adoptée.....	2195
Loi de 2002 modifiant le Code de la route (téléphones cellulaires), projet de loi 49, <i>M. O'Toole</i>	
Adoptée.....	2195

DEUXIÈME LECTURE

Loi de 2002 modifiant la Loi sur les services d'aide juridique, projet de loi 181, <i>M. Young</i>	
Débat présumé ajourné.....	2235

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Government
Publications



No. 44B

N° 44B

ISSN 1180-2987

Legislative Assembly of Ontario

Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 17 October 2002

Jeudi 17 octobre 2002



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 17 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 17 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

RED LIGHT CAMERAS PILOT PROJECTS EXTENSION ACT, 2002

LOI DE 2002 SUR LA PROROGATION DES PROJETS PILOTES AYANT TRAIT AUX DISPOSITIFS PHOTOGRAPHIQUES RELIÉS AUX FEUX ROUGES

Resuming the debate adjourned on October 10, 2002, on the motion for second reading of Bill 149, An Act to extend the red light cameras pilot projects to November 20, 2004 or for an indefinite period / *Projet de loi 149, Loi visant à proroger jusqu'au 20 novembre 2004 ou indéfiniment les projets pilotes ayant trait aux dispositifs photographiques reliés aux feux rouges.*

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I want to compliment the member for Sudbury and the member Timmins-James Bay for doing a great job for their parties.

I seek unanimous consent for the evening debate on Bill 149 to proceed as follows: each party may speak for up to 20 minutes and there shall be no questions and comments at the end of that time; the motion for adjournment of the debate will be deemed to have been made and carried and the Speaker will adjourn the House; and for the purposes of standing order 46, tonight's debate shall be considered to be one full sessional day.

The Deputy Speaker (Mr David Christopherson): Is there unanimous consent? I hear agreement.

Therefore, I understand we're going to split the time three ways, and the member for Scarborough-Agincourt will kick off.

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to join the debate on this bill that extends the use of red light cameras in our municipalities for at least two years, and perhaps longer. I would say to the public that I think it's a bill that has been found to be very useful by the municipalities that have been using it. I might take my hat off to one of my colleagues, our member from Eglinton-Lawrence, Mike Colle, who, members in the Legislature will remember, introduced what's called a private member's bill several years ago and fought

tirelessly to make this a reality. I think he perhaps never got the credit he should have. The government introduced the bill and it was passed, but he certainly was the champion of this and I think probably many lives have been saved as a result of that.

I'm supportive of this bill. I represent a riding in Toronto. It probably is true in most communities across Ontario, but it has become extremely dangerous to enter an intersection when the light turns green without looking both ways very carefully. Running red lights, certainly in the area of Toronto I come from, and I suspect in other jurisdictions, was reaching almost epidemic proportions. The police today have limited resources, and those resources, rightly in my opinion, are allocated to dealing with the more serious crimes in our communities. That's where I think we want our police devoting their attention. But what it means is that there aren't the resources available for policing matters like this in the same manner that we might have seen 15 or 20 years ago.

I can remember meeting with members of the police organizations who were talking to me and others about the need to embrace technology; that we as a society have got to make sure that, in all aspects of how we govern, we are prepared to embrace technology. This is one way we embrace technology. We can see right now in the police efforts in the US around Washington, DC, with the terrible sniper situation, that the break may very well come through the use of technology such as cameras. I gather that the armed forces are now involved with sensor planes. But the purpose of raising this is that this is one area where we can use readily available technology to augment our police resources.

1850

As a matter of fact, there is a red light camera very close to where I live, at Huntingwood and Brimley. That happens to be the exact place where a young police officer died just a year ago. It was a young woman police officer responding to a break-and-enter, you may recall, at high speed, because they'd heard it was an elderly person's home being broken into. They were not using the siren because they wanted to apprehend the person. It just so happens that there was a red light camera in that area. It did not catch the accident. The accident happened a few feet away, but had it been at that intersection, that red light camera probably would have been useful in the investigation.

We're supporting this bill. But it does lead, for the Legislature, to the issue of what other technologies we need to embrace here. What other things do we have to begin considering that our police organizations can use? I

might add that at some stage we're going to need a debate here too about how far we're prepared to allow technology to invade our privacy. I frankly don't know where to draw that line any longer.

I do remember that about 10 years ago there was a debate around the use of electronic anklet bracelets for prisoners who, rather than being incarcerated, could essentially be put under house arrest and technology could be used to make sure they didn't violate that. That was an experiment worth supporting, and it expanded. Those bracelets are now perhaps being used for individuals with Alzheimer's.

Where do we draw the line on technology? How far are we prepared to embrace technology in the interest of safe communities? Just today I heard that the average person is on camera eight times a day. Somewhere we are on a video eight times a day. That's going to increase dramatically. Do we want to use video cameras on most of our major streets? I suspect that would catch some people in criminal acts, but at some sacrifice to our personal freedoms.

It goes back to supporting this bill. It is part of the Legislature's embracing technology to help our police organizations with scarce resources do a better and better job. There will be other examples where I think we should be embracing technology, the use of video cameras, on a broader basis. We've all seen how many people have been apprehended with the use of video cameras in stores where robberies take place. The use of that video camera has been helpful. This is but the first of many bills, I suspect, where the Legislature will be asked to provide for additional use of technology by police organizations, and I support that. But at some stage, we also need to have that debate. How far are we prepared to go? What are the new boundaries we want to draw?

I think all of us would have drawn a different boundary before September 11 of last year, when we all realized that perhaps times have changed. You now hear people say, "I'm quite prepared to allow things that I wouldn't have allowed before September 11 of last year, if it means that we are going to have a safer community." As I say, that's an important debate that we need to have.

In any event, this evening we're dealing with the bill that enables the municipalities that want to to continue with the use of red light cameras. It has worked. As I said, it's an idea that my colleague Mike Colle had many years ago and it has proven to have been a good idea. Dalton McGuinty and our party are supportive of this bill.

The Deputy Speaker: As per the agreement of the House, there are no questions and comments, so we'll move to the member for Toronto-Danforth.

Applause.

Ms Marilyn Churley (Toronto-Danforth): Thank you for the applause from the other side. You don't know what I'm going to say yet.

Hon Mr Baird: I have great confidence you'll be wise.

Ms Churley: What I've got to say is, what have we got here today? We've got something like photo radar

here, I think. Mr Speaker, I certainly don't want to embarrass you, because you're in the chair now, but you are also a private member. I have the Hansard from when you spoke to this issue. I just can't help but quote you. It's not allowed to steal somebody's very words; I'm not going to do that. But you said something very interesting about this bill before us. You mentioned why the government brought this in as a pilot project and is now extending the pilot project. What you said was, "...you didn't want to be called the H-word, because you knew exactly what this was. This is saying one thing and doing another." As the Speaker said, and of course knows because he's the Speaker, you can't use that word here.

Mr Ted Chudleigh (Halton): What's the H-word?

Ms Churley: I can't say it here, because I'll be ruled out. I think you know what it is.

Let me give you a little history lesson—you weren't here, so there's no blame on you, because I'm sure you would have supported the NDP on this; I'm positive. All the new members in the Liberal Party, I'm sure, would have supported the NDP. But back then, when the NDP was in government—I think it was 1993—after extensive consultation with communities, and with police officers in particular, the NDP brought in something called photo radar, which was cameras on highways, because there was an increasingly difficult problem with speeding.

Mr Rick Bartolucci (Sudbury): I remember that.

Ms Churley: Remember that? You weren't here, but do you remember that? We were using surveillance technology in a positive way, because that's what this is all about, and we were doing it for a darned good reason.

Hon Mr Baird: Tax revenue.

Ms Churley: I'm going to quote you now. They're still saying that, Mr Speaker, because they're afraid of what you coined as the "H-word." I will now call that the "David Christopherson H-word."

They're still saying the same thing. We tried and tried to convince both the sitting Liberals at the time and Tories, who were a little band sitting over here then, a very loud and boisterous little band preparing for the Common Sense Revolution. They did not take safety considerations very seriously at that time, because all the evidence was there that photo radar would make a difference and save people's lives.

Interjection.

I would say to the Minister of Energy—who's heckling me nicely over there, smiling, that it's a tax grab—you've got your lines down. They're still using the same lines. That's what they said then: "This has nothing to do with safety, this is just a tax grab," even though we had full support from the police on that issue. You guys then, who were sitting over here, and the Liberals were sitting there, vehemently, not just even gently, opposed it, as though this was the worst socialist plot ever hatched on this planet. Given some of the other things we were doing, I was really—

Ms Marilyn Mushinski (Scarborough Centre): We didn't say that.

Ms Churley: You weren't here, Marilyn. I remember what was said; I remember it very well. I really wish I

had the actual quotes with me, and I'm going to have to bring them forward, because this is an opportunity to have a little fun with the party that was sitting over here and then was the government, because they absolutely and vehemently opposed photo radar. We kept trying to explain to them that actually the principle behind what we were trying to do with photo radar was exactly the same—

The Deputy Speaker: Please take your seat for just a moment. I know we're not going to be here that long this evening, but it's a little louder than most of us prefer when we're speaking. If you could tone it down, it would be much appreciated. Sorry for the interruption, member.

Ms Churley: Mr Speaker, I hope you're not suggesting that the members aren't listening to me.

Ms Mushinski: I am.

Ms Churley: You see, somebody is.

Anyway, let's get serious for a moment. I support the bill. It's not very often that I get the opportunity to stand up and say I support a government bill. It's a good bill, but it's a silly bill. It shouldn't be before us today. It shouldn't be here because you brought in a pilot project a couple of years ago. Instead of just bringing in the law, you brought in a pilot project. Do you know what this bill is? I know you do know, Mr Speaker, because you spoke to it. It's a couple of pages and all it does is extend the pilot project. That's why we're here tonight.

1900

The government might argue, "You don't have to be here. You could just give us quick passage." I suppose we could do that, and we pretty well are getting out of here early tonight, because we've agreed and actually made a deal here tonight. So we support this bill. We believe it does contribute to public safety and is using the latest technology in a really productive, positive way. This really is about saving lives, and that's important.

What I would like to say, and I know others have said it as well, is that you really should give the municipalities the power to just do this. We've had many discussions in this House. The Minister of Municipal Affairs brought forward a new Municipal Act, which of course I didn't support. It was entirely inadequate for the modern economy. The larger cities, not just in Ontario but across the country, are now the economic engines of our country and are still treated as creatures. Can you imagine, Mr Speaker? The city of Toronto is still treated as a creature of this government. The Municipal Act that was brought forward still treats a city as large as Toronto, your city of Hamilton, the city of Ottawa and other large cities across this province as though they're creatures that can't make these decisions on their own. There are business people—the people that the government most likes to listen to—saying the same thing, that the time has come to release the cities, take the shackles off and give them the freedom and the resources to carry out their responsibilities, many of which you've downloaded on cities without the resources to do them.

I'm going to digress just very briefly, because it is connected. In the Justice O'Connor report, part two,

where he talks about full cost recovery for water—and it is related—

Mr Chudleigh: What do red lights have to do with Justice O'Connor?

Ms Churley: I'm coming to that.

He makes a real point of saying that there are some issues around municipalities' ability to pay. He was gentle about it, but basically he was saying that the government has downloaded too many services, particularly social services, on to municipalities and that they should review it.

Interjection.

Ms Churley: Don't even get me going on education. That's another subject for another time.

What he is saying is that the government should review that downloading, particularly the social services, so they can do the things that they should be doing. This is why it's relevant. This is an area where we should give the power to municipalities to do what they do best.

I understand from reading the bill—it was a quick read over dinner back in our caucus offices. We had very good fish tonight, by the way. I'd like to congratulate and thank all the cooks and the staff in the dining room for providing us with that really good dinner when we had to be here at night. We really appreciate the work they do on our behalf.

We are here tonight again debating a bill that does nothing but expand—and you would agree this is rather silly—a pilot project. Why not just make it into a real project? Forget about the pilot part of it; let's actually say we're going to do this because the proof is there now. We know the evidence is there that it saves lives. Municipalities do know their communities far better than we do. Of course, many of us here come from the municipal sector.

Hon Mr Baird: You know?

Ms Churley: I was a city councillor in the Riverdale area. I know it very well, and I can tell you a story. When we talk about these red lights at intersections, this is just but one example of something that happened to me and my little grandson. We were almost victims. We were at the corner of Gerrard and Carlaw, close to my home. The light had changed. I was holding his hand, which I'm very grateful for. It had actually gone all the way from red to green. A woman was in front of us. She stepped out because the light had totally changed. We were just behind her. James was starting to run ahead of me, and this car came barreling out of nowhere. I'm sure we've all had experiences like this over the past few years. I don't know how fast it was going, but well above the speed limit of 40 kilometres an hour. The woman in front of us came this close to being hit. I grabbed her. I was holding on to James with all my might. I grabbed this woman by the coat, and just in the nick of time—and I mean in the nick of time—pulled her back. We came that close to being hit. It just came out of nowhere.

I think we're hearing more and more of such stories these days. It is so easy to speed. People are in a hurry all the time. We here are in a hurry all the time: you're late for a caucus meeting; you're late for an important cabinet meeting; you're on duty, and you're late for the House.

Whatever it is, we're always in a hurry. We're too busy. There's too much going on. That becomes the priority for people to get from point A to point B as fast as they can.

This is a really good use of modern technology to try to alleviate that, to try to make sure people understand that those cameras are out there. We just don't have the resources any more. It's always been hard to find enough resources to have enough police officers on the street when there's so much else to do. Having red light cameras at certain intersections will go a long way to saving lives and making our streets safer, particularly for our kids and the elderly. Those are the people we are most worried about.

By extension, what I would urge the government to do—and there are rumours that the government is looking at a way to bring photo radar back. Can you believe it? I hope they do. If you do, I promise I will—well, no; I can't promise not to have a little bit of fun with it. I can't promise that I won't read some of the quotes from when we were in government, because there are so many, but I promise that this party will support you, and you will show that sometimes it's OK to flip-flop. We make fun of people when they flip-flop. Of course, we don't flip-flop—no, I won't go there tonight.

This is a case where I would be very grateful if the government of the day would flip-flop and say the NDP was right after all and bring back photo radar to this province.

I think I'll end on that note. I'm sure that people are anxiously waiting for me to finish so they can go home—or go to meetings, which is what I have to do.

I would say to the government that it would make far more sense to turn this into a real bill that gives municipalities the authority to install those cameras and to move forward from there and bring in photo radar, or whatever you want to call it—we really need to take that next step. Perhaps the government will find even more advanced technology and find some very good reasons to do it to get them off the hook so we don't have to use the H-word again.

Hon Mr Baird: Certainly a lot of constituents in Nepean-Carleton are supportive of this bill, as are a lot of hard-working law enforcement officers in Ottawa-Carleton, where I'm from. There are red light cameras in the city of Toronto.

I see the member for Scarborough Centre here. I thought I'd use this opportunity to mention that Marilyn Mushinski, the member for Scarborough Centre, will be celebrating her 20th anniversary as an elected official in the coming week. I know all members would want to congratulate her on that.

I'm very pleased to have had the opportunity to participate in this debate.

Because Michael Gordon Harris and Peter Hardie would like to call it an early night, we should maybe conclude the debate.

The Deputy Speaker: That completes it. This House stands adjourned until 1:30 of the clock Monday afternoon.

The House adjourned at 1909.

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Raminder Gill, Pat Hoy, Morley Kells, Rosario Marchese, Ted
McMeekin, Bill Murdoch, Wayne Wettlaufer
Clerk / Greffier: Katch Koch

CONTENTS

Thursday 17 October 2002

SECOND READINGS

Red Light Cameras Pilot Projects Extension Act, 2002, Bill 149,

Mr Sterling

Mr Baird 2237, 2240

Mr Phillips 2237

Ms Churley 2238

Debate deemed adjourned..... 2240

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X1
-D23

Government
Publications



AUDI ALTERAM PARTEM

No. 45A

N° 45A

ISSN 1180-2987

Legislative Assembly of Ontario

Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Monday 21 October 2002

Lundi 21 octobre 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

OCT 21 2002

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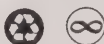
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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 21 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 21 octobre 2002

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

VETERANS HIGHWAY

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): They fought in defence of a notion and returned home to build a nation: this wonderful country, Canada. The notion had to do with freedom, the belief that all free people should continue to enjoy the benefits of freedom and that all oppressed, freedom-loving people must be liberated.

Thanks to the special efforts of Halton Regional Chairman Joyce Savoline, her council and many others, a very special ceremony took place yesterday, October 20, at the Halton region headquarters at Bronte Road. The ceremony and others that followed later that day in Milton and Acton officially dedicated Regional Road 25 as Veterans Highway. This dedication was in thankful recognition of the historic role our veterans played in both defending freedom abroad and at home and, upon their return from the war, using their considerable entrepreneurial, technical and teaching skills to strengthen the foundation and fabric of this great nation.

It is entirely fitting and appropriate that a pathway, this road used every single day by thousands of our citizens, be dedicated and known forever as Veterans Highway. This highway will now serve as a perpetual reminder of the paths travelled and walked by those who have gone before us, the men and women veterans who continue to inspire us with everyday acts of leadership and courage.

Today we stand on the shoulders of our veterans and today we are taller, prouder and stronger for it. As one of several Halton MPPs, I am pleased to affirm our Halton veterans. I'm sure this Legislative Assembly will want to join me in acknowledging each and every one of our veterans with gratitude.

GURU NANAK CAR RALLY

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It's my pleasure to rise today and salute the wonderful work of members of the Guru Nanak Community Services Foundation and the Ramgarhia Sikh

Association of Ontario for organizing the fourth annual Guru Nanak Car Rally in Brampton.

Named after the Guru Nanak Dev Ji, the Guru Nanak Car Rally continues to attract volunteers, participants and sponsors who seek to follow in the guru's path by volunteering and performing charitable work. Established only a few years ago, the foundation seeks to raise money in support of community projects. In 1999, the inaugural year of the car rally, \$12,000 was raised for Credit Valley Hospital; in the year 2000, \$22,000 was raised for William Osler hospital in Brampton; and last year, \$23,000 was raised for Etobicoke General Hospital.

This year's rally, which took place in Brampton yesterday, included 40 participants, 50 volunteers and over 65 sponsors. Together, these volunteers raised \$25,000 for William Osler hospital, Brampton campus, and for the new Brampton hospital to be constructed in my riding. Without a doubt, this is one of the most unique fundraising events in my riding. Over the past four years, it has continued to grow and attract more participants and sponsors. Dr Tom Dickson, chief of staff of William Osler Health Centre, along with his son, also took part.

On behalf of all members of this Legislature, I would like to congratulate Mr Darshan Singh Bilkhu, Mr Jagdish Singh Grewal, Mr Gurdip Singh Thethi, Mr Daljit Singh Gaidhu and all the other members of the organizing committee, the volunteers and the participants who worked diligently to make yesterday's Guru Nanak Car Rally a success.

SERVICES FOR THE DISABLED

Mr Ernie Parsons (Prince Edward-Hastings): My statement today is to the thousands of Ontarians with disabilities who are having trouble reconciling what this government says and what it does. I'd like to provide a little bit of interpretation for them.

When the minister said on September 30, "We've also put in place the Accessibility Advisory Council of Ontario," what that means is that he put in place five out of 12. When he says they will be gender-balanced, they have five men, zero women. Only to this government would that be gender-balanced. When the minister says they will consult, it's not with you. We're not sure whom it's with, but it's not with the disability community by any means.

When the minister says they have put in place legislation that applies in municipalities with over 10,000

people, that means they want it to sound like they are doing it. They have in fact proclaimed the portion that says municipalities must have a plan. The only section they didn't proclaim was section 21, which makes it an offence to not comply. It is absolutely without teeth for the public sector and the private sector.

When they say "no new barriers," that means nothing. When you get rid of 50 special education teachers from the Ottawa school board, those are barriers to thousands and thousands of young people who are now denied access to education.

When they say, as the minister did, "We know the private sector is ready and willing to participate with us," that doesn't apply to pizza organizations either. What a sham.

PROJECT AMIK

Mr Michael Prue (Beaches-East York): I rise today to talk about a new housing development in Beaches-East York called Project Amik. It is developed by the Frontiers Foundation, and it has been developed keeping in mind our native community in Toronto and our aboriginal and native communities in Ontario. It is a remarkable housing project, one of the first of what I hope will be many but, sadly, what are all too few in the province of Ontario since 1995.

I take my hat off to Reverend Charles Catto. He has done an amazing job in bringing together people from many disciplines, people who are willing to assist to build 74 housing units on Coxwell Avenue in Beaches-East York. This will house up to 100 underhoused people, primarily—at least half of them—native Canadians who now live in Toronto.

The total cost of building this housing is some \$10 million, of which the city of Toronto donated almost \$3 million, the federal government donated a little over \$1 million, and Frontiers nearly \$7 million. Quite sadly, the provincial donations to date have been \$148,000, or a little over 1% of what it has cost to build these. We have a crying need for affordable housing in this city and in this province. This is an example of what can be done by those who have a mind to do it. We ask the province to listen very carefully to what is happening, to recognize that this housing is needed in Toronto and in Ontario—there are 63,000 people waiting—and to please start to do something about the crying need.

ANDREW OXENHAM

Mr John O'Toole (Durham): I'm pleased to rise in the House to congratulate another one of my constituents, Andrew Oxenham, on being selected by the Professional Photographers of Ontario for submitting the best black-and-white photo in their 131st annual print competition. His photo, entitled "Floating," is an image of two dancers that was taken at the Ballet Jorgen Studio in Toronto. It was judged to be the best black-and-white photo in Ontario.

Andrew Oxenham is the owner of the Water Street Studio in Port Perry. As a photographer, his specialty has included dance and theatre topics in photography. In addition, he has expanded his excellent scope to include portraits and weddings.

He was recently featured in "Notables," a supplement to the Port Perry Star. "Notables" includes profiles on many of the leading members of our art community in Scugog township who are ranked and making their mark in the world of art and design. The featured artists included watercolour painter Karen Richardson, and artists and entrepreneurs Paula and Bill Lishman. Also featured in the publication were Brenda Clark, illustrator of Franklin the Turtle; painter Walter Campbell, whose name many here would know; gallery founder Kent Farndale; and photographer Joe Duff.

These are just a few of the talented artists from the township of Scugog in my beautiful riding of Durham that I would like to introduce to this House. Their vision enhances the life of our communities and serves as an inspiration to all.

NAVISTAR CLOSURE

Mr Pat Hoy (Chatham-Kent Essex): Last Thursday, Navistar International Corp, which employs 1,000 workers in Chatham, announced its decision to close next June and move its production to Mexico. My heart goes out to all those families harmed by this decision. They were excellent workers, making the best quality trucks in North America, part of a company that was a good corporate citizen and a vital part of Chatham-Kent. I point out that Navistar executives never once said the product wasn't up to par or the workforce wasn't skilled, yet they are closing this plant. This closing will be a huge economic loss to Chatham-Kent, a blow to the manufacturing centre of the region, eliminating more than 5% of the jobs in the city. Nearly 4,000 jobs will be at risk as a result of the negative economic spin-off.

1340

The factory had made it through tough times before, including the recession of the early 1990s. Demand for heavy trucks was down then, but the plant kept operating. Now Chatham's loss is Mexico's gain because the Harris-Eves government did nothing to save these jobs. While this government worked secretly to give their wealthy friends a \$10-million tax break, there was no help for working families in Chatham-Kent.

Dalton McGuinty and the Ontario Liberals believe we can do so much better for our people with a government that's on their side. The best path to economic strength is a government that invests in our workforce. We need a government that provides leadership that works for all the people for a change.

SCULPTURE PROJECT

Mr Bill Murdoch (Bruce-Grey-Owen Sound): I rise in the House today to share with everyone about "The

Fish are Here" campaign on behalf of the Walkerton Tourist Recovery Partnership Committee. The project originally stems from the Walkerton tragedy and is made possible with help from the Ministry of Tourism and Recreation. It involves 12 large fish sculptures designed by Debbie Schenk and Ken Freiburger and decorated by 12 local artists. Each one is located in high-traffic areas throughout the counties of Grey and Bruce.

The primary goal of the fish sculpture project is to rebuild Walkerton and the regional image as an outdoor recreation and safe tourism destination.

Artists for the sculptures include Jenn Tuff, Suzanne Simmie-Stier, Kevin Yates and Marcy Adzich of Southampton; Amy Cooney of Walkerton; Iriz Paabo of Elmwood; Ann Keeling and Dave Devlin of Owen Sound; Richard Mund of Neustadt; Angie McCurdy and John Cowper of Chesley; and Velda Marshall of Hanover.

The Walkerton Tourism Recovery Partnership Committee includes Barry Randall from Owen Sound Tourism; Bryan Plumstead as tourism development coordinator, along with Carole Sonier as tourism development assistant; Chris Hughes from Bruce County Tourism; Debbie Schenk from Human Resources Development Canada; Fran Hill from the Walkerton Chamber of Commerce; Garry MacGregor from Pizza Delight; Jim Coffey from the Saugeen Valley Conservation Authority; Kim Mizen from Grey County Tourism; Pat Lippert from the Walkerton Chamber of Commerce; Peter McFadden from the Southern Ontario Tourism Organization; Jack Riley from the municipality of Brockton; Vicki Young from Saugeen country; and Paul Samson from the Ministry of Tourism and Recreation. They are all valuable people in our community and we thank them for their hard work.

Thank you, Mr Speaker, and I will continue next week with some more.

MEMBER'S EXPENSES

Mrs Marie Bountrogianni (Hamilton Mountain): It's been 20 days since we first learned that Cam Jackson charged taxpayers \$104,000 so that he could live the high life. He charged expensive hotel bills. He charged for in-room movies, he charged for expensive steak dinners at upscale restaurants, he charged for alcohol and he charged for valet parking.

Once this gluttonous lifestyle was exposed, Cam Jackson was fired, and for good reason. But what the taxpayers of Burlington, Hamilton and all of Ontario want to know is, when will they be reimbursed for Cam Jackson's reckless spending of our money? Ernie Eves promised that he would launch a review of those expenses and order Cam Jackson to make further repayment, but that hasn't happened. And just last week, Ernie changed his tune. He said maybe someone is doing a review, but that wasn't a sure thing and he wasn't sure when it would be done.

That's not good enough, Premier. It's not good enough for the people of Burlington or for the people of Ontario who are owed that money. We have countless examples of inappropriate expenses: booze, hotel stays, in-room movies, valet parking, and the list goes on and on. Taxpayers of Ontario deserve some answers. Is there a review actually happening, or was this just a cynical stalling tactic by Ernie Eves? Who is conducting the review? What is the deadline for the review?

Ontario families don't get to live high on the hog at taxpayers' expense, and neither should Cam Jackson. He owes us money, and we demand that he repay those expenses. There can't be one standard for ordinary Ontarians and another one for you and your Tory friends. Get on with the job, Premier. Do the review and make Cam Jackson pay the money back.

BRAIN TUMOUR AWARENESS MONTH

Mr Bob Wood (London West): I rise today to remind all members that October 2002 is the first official Brain Tumour Awareness Month in Ontario. For many years now, October has been designated as Brain Tumour—

Interjections.

The Speaker (Hon Gary Carr): We'll let the member start over. I apologize to him. It's too tough. People do need to hear it. If we can start all over, the member has a very important statement.

Mr Wood: I rise today to remind all members that October 2002 is the first official Brain Tumour Awareness Month in Ontario. For many years now, October has been designated as Brain Tumour Awareness Month in Canada. It has also been proclaimed in many cities across Canada.

Brain tumour is a devastating disease that strikes people of all ages, from newborns to seniors, across all economic, social and ethnic boundaries and affects people in all walks of life. Brain tumours are the most common cause of solid cancers in children. Early detection and treatment are vital for a person to survive brain tumours.

Brain tumour research, patient and family support services and awareness among the general public are essential to promote early detection and treatment of brain tumours. Each year approximately 10,000 Canadians of all ages are diagnosed with a brain tumour. Brain tumours are the second leading cause of cancer death in people under the age of 20 and the third leading cause of cancer death in young adults between the ages of 20 and 39.

The reason for the legislation is of course to assist all who are interested in alerting people to the dangers and symptoms of brain tumours. The act provides the basis for requests to our own ministries, school boards and other institutions for help in this cause. It is my firm conviction that many lives will be saved in the coming years by this law. Thank you again to all members for supporting it.

VISITOR

The Speaker (Hon Gary Carr): Just before we begin, we have with us today in the Speaker's gallery the Consul General of the Ukraine in Toronto, Mr Ihor Lossovsky. Please join me in welcoming our special guest.

INTRODUCTION OF BILLS

MOTOR VEHICLE MANUFACTURERS'
WARRANTY ACT, 2002

LOI DE 2002

SUR LA GARANTIE DES FABRICANTS
DE VÉHICULES AUTOMOBILES

Mr Sampson moved first reading of the following bill:

Bill 192, An Act respecting warranties offered by manufacturers of motor vehicles / Projet de loi 192, Loi concernant les garanties offertes par les fabricants de véhicules automobiles.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement.

Mr Rob Sampson (Mississauga Centre): This bill, should the House deem to approve and pass it, would be the first so-called lemon law in Canada applying to the purchasers of new vehicles in the province of Ontario. It would provide remedies to a consumer who enters into an agreement to purchase a motor vehicle on or after the bill comes into force if a substantial deficiency arises in the motor vehicle that is covered by a manufacturer's warranty.

I ask the House and the members to read this bill very carefully. There have been a number of issues lately in the media about this that need to be dealt with.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I believe I have unanimous consent to move a motion without notice regarding the order of precedence for private members' public business.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Hon Mr Stockwell: I move that, notwithstanding standing order 96(d), the following changes be made to the ballot list for private members' public business:

Mr Hardeman and Mr Stewart exchange places in order of precedence such that Mr Hardeman assumes ballot item 79 and Mr Stewart assumes ballot item number 70; and

Mr Patten and Mr Sorbara exchange places in order of precedence such that Mr Sorbara assumes ballot item 72 and Mr Patten assumes ballot item 74, the clam chowder act.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

1350

HOUSE SITTINGS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, October 21, Tuesday, October 22, Wednesday, October 23 and Thursday, October 24, 2002, for the purpose of considering government business. This motion is seconded by Mr Kormos.

Interjections.

The Speaker (Hon Gary Carr): I got the feeling that's not true.

Mr Stockwell moves that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, October 21—dispense? Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1352 to 1357.

The Speaker: Would all those in favour of the motion please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Galt, Doug	O'Toole, John
Arnott, Ted	Gill, Raminder	Ouellette, Jerry J.
Baird, John R.	Hastings, John	Parsons, Ernie
Barrett, Toby	Hodgson, Chris	Patten, Richard
Bartolucci, Rick	Hoy, Pat	Peters, Steve
Bountrogianni, Marie	Hudak, Tim	Phillips, Gerry
Boyer, Claudette	Johns, Helen	Pupatello, Sandra
Bryant, Michael	Johnson, Bert	Ramsay, David
Caplan, David	Kells, Morley	Runciman, Robert W.
Chudleigh, Ted	Kennedy, Gerard	Ruprecht, Tony
Clark, Brad	Klees, Frank	Sampson, Rob
Coburn, Brian	Kwinter, Monte	Smitherman, George
Colle, Mike	Levac, David	Sorbara, Greg
Cordiano, Joseph	Martiniuk, Gerry	Spina, Joseph
Crozier, Bruce	Maves, Bart	Sterling, Norman W.
Cunningham, Dianne	Mazzilli, Frank	Stewart, R. Gary
Curling, Alvin	McDonald, AL	Stockwell, Chris
DeFaria, Carl	McMeekin, Ted	Tsubouchi, David H.
Dombrowsky, Leona	Miller, Norm	Turnbull, David
Duncan, Dwight	Molinari, Tina R.	Wilson, Jim
Dunlop, Garfield	Munro, Julia	Witmer, Elizabeth
Elliott, Brenda	Mushinski, Marilyn	Wood, Bob
Flaherty, Jim	Newman, Dan	Young, David

The Speaker: All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

Nays

Hampton, Howard	Marchese, Rosario	Prue, Michael
Kormos, Peter	Martel, Shelley	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 69; the nays are 5.

The Speaker: I declare the motion carried.

ORAL QUESTIONS

RACIAL PROFILING

Mr Alvin Curling (Scarborough-Rouge River): My question is to the Solicitor General. There was to be a day when people would be judged by the strength of their character and not just the colour of their skin. Sadly, that day still hasn't arrived in Ontario. This weekend, the rest of the province learned something that every young Black knows already: we are still being treated differently. Let me be clear: the problem doesn't begin or end with the policing, and it doesn't begin or end in Toronto.

Former Lieutenant Governor Lincoln Alexander has called for a summit. I spoke to him earlier today, and I fully support him in that effort. Will you join Lincoln Alexander and all the leaders across the province to work toward finding solutions to this very regrettable problem?

1400

Hon Robert W. Runciman (Minister of Public Safety and Security): I join with the honourable member in terms of our respect for the former Lieutenant Governor. As the honorary commissioner of the OPP, and I believe the honorary chief of the Toronto Police Service, he has enormous respect among the rank-and-file police officers across this province. If Mr Alexander believes there is some substance to the suggestions that have been released to the public over the weekend, I'm quite prepared, and this government is quite prepared, to sit down with not only Mr Alexander but other people who have an interest in this subject to discuss it, to see if there is a real problem here—I understand there is a real concern, but to ensure that if indeed there is a real problem here, that it's eradicated.

Mr Curling: Let me assure the minister that there is a problem, and I want you to know that we want to work with you to address this problem. I also want you to know that we respect our police who, as you know, put their lives on the line each day to protect us. But let us be clear: that respect does not mean these concerns aren't real.

There are two things that need to be done. First, I'd like the Premier, as the head of our government, to issue a statement on this matter today. He needs to make it clear that racism in any form will not be tolerated. Second, and perhaps most important, we have to admit we still have a problem. Those problems go beyond the police and beyond the city limits. Do you agree with me, and will you take these steps today?

Hon Mr Runciman: I think I indicated in the initial response that I take the concern seriously and the government takes the concern seriously. We're prepared to

join with Lincoln Alexander and others in discussing the situation.

I don't want to make a judgment here today or a commitment to the honourable member with respect to whether I share those conclusions or not. We have to sit down. I think having that opportunity to sit down and discuss this and really carefully analyze the facts is the appropriate and responsible way to proceed.

Mr Curling: Let me see if I can encourage you to move a bit faster than I'm hearing, Mr Minister. I want you to walk a mile in my shoes. People in the Black community want to walk home safely at night, but many are afraid. They're afraid of being targeted by criminals, and many are also afraid of the police. We're talking about good, law-abiding citizens being afraid of the people who protect them. Speaking from experience, I can tell you that parents are worried their kids will be unfairly targeted. While many of those fears are based on myth, unfortunately too many are based on daily experiences that are real.

We need to address this problem and bring it out into the open. We need to talk about this in an honest way, not just to protect the reputation of our police but to ensure that they have the trust of the public they serve. Do you agree with my analysis, and do you have any ideas of your own to improve the trust between the Black community and the police?

Hon Mr Runciman: I very much recognize and appreciate the member's comments. I have to say that there have been efforts over the past number of years, in terms of anti-racism training at the police college, for recruits, training that deals with racism with respect to the use of force, a whole range of initiatives to deal with this.

Despite the criticism in the media with respect to the Ontario Civilian Commission on Police Services, I think they have worked very effectively as a quasi-judicial, independent, arm's-length body to deal with complaints from the public.

I'm certainly open, and the government is open, to having further discussions. I share the member's concerns. If we have those kinds of ongoing sensitivities within the minority communities in this province, we want to address them; we want to work with you to address them.

CONFLICT OF INTEREST

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Minister of Transportation and has to do with the Eves government's lack of standards on conflict of interest. The minister will know that Al Leach, who is a well-regarded individual, I might add, is on the board of directors of the Highway 407 Corp and SNC-Lavalin. SNC-Lavalin, by the way, is a major shareholder in highway 407. The problem is that the Eves government has also appointed Mr Leach to the board of GO Transit, where he serves as the vice-chair. In our opinion, that is a direct conflict of interest. The 407 makes an

enormous amount of money from congestion, and GO Transit's job is to alleviate congestion.

We raised it in the Legislature, and Premier Eves responded in writing that he saw no problem. We disagree.

The question to you, Minister, is this: do you agree that Mr Leach has a major conflict of interest and that he must be removed from the GO board?

Hon Norman W. Sterling (Minister of Transportation): No.

Mr Phillips: Well, I appreciate the answer, but it's unacceptable.

Interjections.

Mr Phillips: It's unacceptable to the public. Not to me; it's unacceptable to the public.

SNC-Lavalin said in its latest annual report that it invested in 1999—by the way, the highway was sold the day the election was called in 1999. Their investment was \$175 million. It's now worth four times that.

Mr Leach is on their board. He is paid \$25,000 a year as a director. He also is paid \$100,000 a year as a retainer, a consultant, and he owns 6,000 shares in SNC-Lavalin. He benefits enormously from the increased traffic on the 407.

The problem is not Mr Leach; it's you and it's Mr Eves, the Premier. You put him on the board of GO Transit in direct conflict with the 407 and SNC-Lavalin. GO is designed to take traffic off the 407; he benefits from traffic on the 407. How can Mr Leach possibly serve his private sector interest and the competing public interest at exactly the same time?

Hon Mr Sterling: Without going into the merits of Mr Leach's tremendous qualifications to sit on the GO Transit board, having had just an enormous background in terms of transportation in this city and in this province, let me say this. In 1987, the then Liberal government brought forward a procedure whereby this Legislature would have the opportunity to review public appointments. Mr Leach's appointment was reviewed under that Liberal procedure, the same arguments were put forward, and he was affirmed. Therefore, the procedure which you put forward—

Interjections.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): You wrote the legislation.

Hon Mr Sterling: You wrote the book, and now you don't want to follow it. Mr Leach was affirmed by a committee of this Legislature, and I believe that's the proof in the pudding.

Mr Phillips: I would just say to the public, I would invite you all to read the Hansard from that meeting. I was at it. I raised these very same issues, and Al Leach dismissed me. He said, "There's enough business to go around for everybody. Don't worry about it." The Liberals voted against it and the NDP voted against it. The only reason he got through was because you rammed it through with your majority. So I say to the public again, read the Hansard. Al Leach just dismissed it.

I say again to you, Minister, we disagree with it. The committee voted against it. Is it appropriate for an in-

dividual who has a \$100,000-a-year contract, has 6,000 shares and is paid \$25,000 for the board of directors to be sitting on the GO Transit board while he has this other, separate private interest? Is that the standard that the Eves government has chosen to set for the province of Ontario?

Hon Mr Sterling: This very member was part of the government that wrote the legislation creating this procedure for all members of the Legislature to have their opportunity to put forward their arguments. I have read the Hansard with regard to that committee. The member put forward the same argument in the committee. He lost then, and he's going to lose now.

HYDRO RATES

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy.

Interjections.

The Speaker (Hon Gary Carr): The member take his seat. We'll give him the time.

Stop the clock. Come to order, please. The leader of the third party has the floor now. Order.

Mr Hampton: My question is for the Minister of Energy. Minister—

Interjections.

The Speaker: Sit down. Take a rest.

Government House leader and the House leader of the official opposition, please come to order. Two seconds after I get down I don't need you yelling across at each other. Come to order, please.

Sorry again, leader of the third party. You can start all over again.

1410

Mr Hampton: Minister, consumers on fixed incomes are worried that their hydro will be cut off if they can't pay your skyrocketing hydro bills, so I want to do something about it. Later this week, I'll be tabling a private member's bill that says consumers can't be cut off or can't have their hydro cut off during the winter if they cannot pay their bills.

Minister, will you support my private member's bill so that consumers won't be forced to freeze in the dark this winter?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I appreciate the question from the member opposite. Obviously, we're always tremendously concerned that in the colder months anyone in the province of Ontario would be without electricity and perhaps even without heat.

The member opposite has suggested that at some point in the future he'll table a private member's bill. I'm certain all members in the House will give it full consideration, as they properly should.

Mr Hampton: I think we know how private members' bills work in this Legislature. If the government decides to support a private member's bill, it passes.

This private member's bill is about people like Portia Southon, a disability pensioner in Hamilton who is being

threatened with disconnection. She can't afford to pay her \$225 hydro bill—it's more than double what it used to be—but she can afford to pay \$75 in the interim. But Hamilton Hydro, under your new rules, has said, "You either pay all the bill or we disconnect, and then we charge you a security deposit on top of that plus interest."

Will you help consumers like Portia Southon by passing my private member's bill banning hydro disconnects between October 1 and May 1? Will you do that?

Hon Mr Baird: As I indicated to the member opposite, I would be more than prepared, as I know all members in this place would be, to read his private member's bill when he has tabled it. He has not tabled it yet. I would welcome a copy of it, if he has one, and would certainly give it due consideration.

He does raise the issue of prices. Prices have come down considerably in the month of October. What we saw in October is that prices are almost half what they were just a month before that.

The NDP leader does raise a concern about those who are vulnerable, whether they're disabled, on fixed incomes or in receipt of social assistance. If he has an idea, we would certainly be prepared to look at it.

Mr Hampton: This is not a terribly difficult question. I want to pass a private member's bill that would in effect say that no hydro utility in the province can cut someone's hydro off between October 1 and May 1, when we happen to have cold weather in this province, when people, frankly, can freeze to death if they don't have access to adequate heat. That's the concept here.

Will you pass my private member's bill, or does your government want to see people freezing in the dark this winter? What's your answer, Minister?

Hon Mr Baird: I have heard members of the opposition rise in their place and say they'd like the opportunity to review a bill that we've already voted on at first reading. I've yet to have anyone ever request any member of this Legislature to adopt a bill which we haven't even read, let alone which hasn't been presented here in this House.

The member opposite has brought forward an initiative, one which I know all members of this House would want to do their due diligence on and read. Would his bill include businesses? Would it include industrial customers? Would it include retail customers? Would it include commercial customers? What would be the benchmark? We'd certainly be prepared to review the private member's bill when it comes forward and give it due consideration.

RACIAL PROFILING

Mr Howard Hampton (Kenora-Rainy River): My question is for the Deputy Premier. Deputy Premier, the Toronto Star's study into racial profiling by Toronto police discloses the discrimination that Black motorists encounter daily.

As Attorney General, I appointed a royal commission to examine discrimination in the criminal justice system. They produced an excellent report. Your government ignored the report and failed to act.

A year ago, I worked with community leaders to develop a Building Hope action plan, which we forwarded to the Premier and other members of the government. Once again, your government failed to act. In fact, your government has undone much of the progressive work that was done out there in terms of the criminal justice system to ensure that racial profiling didn't happen, to ensure that racism didn't happen.

Will you convene a citizens' and police task force to find practical solutions to the unfair treatment that black families experience in this province?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I would refer that to the Minister of Public Safety and Security.

Hon Robert W. Runciman (Minister of Public Safety and Security): It's regrettable that the leader of the third party is reaching conclusions and making judgments. I indicated earlier that we are quite prepared to follow the lead and the encouragement of the former Lieutenant Governor, Lincoln Alexander, to meet with the parties who have expressed concerns with respect to the actions of police in this province and the approach they take in dealing with individuals. We're open to doing that.

I think we have responded very positively. If you take a look at the record over the past six or seven years, a whole range of initiatives have been brought forward by this government and have been very positive in terms of addressing those kinds of concerns. If there is more to do, we're quite open to exploring that.

Mr Hampton: Minister, this is the report, the Commission on Systemic Racism in the Ontario Criminal Justice System. I'm going to send it over to you. Maybe now you'll read it. I'll send you over a copy of the Building Hope action plan, which has been available to your government for the last year and a half and which you've failed to act on as well.

Black families aren't asking for special treatment. They're simply asking that their children be treated on the same basis as other children. They're asking for basic fairness. The Toronto Star says that isn't happening.

I'm repeating the request from Lincoln Alexander: will you put together a task force of civilians, police representatives and members of all three political parties to ensure that there is a task force that makes sure Black families will be treated like the children of every other family in this province? It's a simple request. Will you do it?

Hon Mr Runciman: I'm not aware of Mr Alexander requesting a task force; I think he requested a gathering, a meeting, of people who have indicated concerns with respect to this community organization's police services. I think he mentioned the Solicitor General, the Attorney General and others. I indicated in my earlier responses that I'm quite prepared and this government is quite prepared to take part in those conversations.

I recognize and appreciate there are still concerns in minority communities. If there is validity to these concerns, we have to address them, as a government, as people representing the people of this province. We're committed to doing that.

I certainly do not want to close any doors. We're quite prepared, and if there are real problems out there, this government is prepared to act on them.

MEMBER FOR MISSISSAUGA WEST

Mr Monte Kwinter (York Centre): My question is to the Deputy Premier. Over the weekend, the people of Ontario were disturbed to learn that the member for Mississauga West is neglecting his duties as an MPP. But it gets worse. Even though Mr Snobelen is failing to do the job he was elected to do, the Premier recently handed him a second set of responsibilities. On June 19, 2002, Premier Eves appointed John Snobelen to be vice-chair of Ontario Exports Inc. It may be an expense-only position for Mr Snobelen, but judging from his commitment to being an MPP, even then the taxpayers of Ontario aren't getting their money's worth.

Deputy Premier, can you tell me why Premier Eves would appoint John Snobelen to a second job when he doesn't even do the one he was elected to do?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I would like to remind the member opposite of the fact that on November 9, 2001, his leader, Dalton McGuinty, introduced the democratic reform charter. It made it mandatory for ministers and the Premier to be present for at least two thirds of the question periods in a legislative session. He said he would penalize individuals \$500 for every question period missed beyond the two-thirds limit.

We have been here for 15 days. There are about 10 members who—

Interjections.

The Speaker (Hon Gary Carr): Order. Deputy Premier, take your seat. I hope you aren't going down the road to talk about somebody's attendance. I'm not going to allow it to happen.

Interjections.

The Speaker: Settle down, all of you, right now. I'm the one who's going to be in charge, and I will yell if I have to if your members are yelling while I'm standing up. I'm going to be the one to decide what's in order and what's not in order, and talking about people's attendance will not be. It has been a long-standing tradition in here, and if that's the road she's going down, I'm going to be up very quickly.

1420

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Mr Speaker: We're talking about people's attendance, and the response can't—

The Speaker: We've had the discussion on this. It is not a point of order.

Hon Mr Stockwell: I have a point of order, Mr Speaker.

The Speaker: Get to it quickly, then. It's not a point of order, and get to it quickly or I will cut you off. You've got 10 seconds to point it or I'm going to be up.

Hon Mr Stockwell: I will do my best. The response that the Deputy Premier is making seems to me to be no different than the question put with respect to the attendance for the member from Mississauga West.

The Speaker: The question was relating to his duties. It's another capacity. You can talk about anybody else's attendance in his capacity as whatever it is; I forget what it is.

Deputy Premier, you may answer it. I will remind members on both sides: members' attendance is not—what people do in their additional capacities, you can speak about.

Hon Mrs Witmer: I was simply reminding the House of the introduction by the Leader of the Opposition of the democratic reform charter which would penalize members if they did not attend question period for two thirds of the time. I think it's important to keep in mind that if we take a look at this two thirds of the time, there are certainly people in the opposition who would have lost a lot of money.

Mr Kwinter: To be on the board of Ontario Exports you need to be more than just an Ontario export. Mr Snobelen, by his own admission, has not been engaged in serving the people of this province for some time, and why he would get this appointment is beyond me. He has stated clearly that he would rather be in a saddle in Oklahoma than serving his constituents in Mississauga.

Like so many other members of this government he is putting himself ahead of the people. It's a pattern with this government. Deputy Premier, given Ontario's critical dependence on exports, what kind of signal does this send as to this government's commitment to Ontario's exports when the Premier of Ontario appoints an absentee vice-chairman of Ontario Exports Inc?

Interjections.

The Speaker: The member is right. Order. I would ask the member in the future to be very careful; I know it's a fine line between his duties here and his other duties, but I would ask that you don't get too close to it. Otherwise what you're going to have in here is the other side as well.

Interjection.

The Speaker: Yes, just a second. I would ask all members to caution when doing that because it's going to come back on both sides. As everyone knows in here, there are members on both sides and I do not want to get into battles of who's here and who's not here.

I understand that the member is walking that fine line toward his duties but I would ask him to be careful in his question. I believe he had some time left—or is this a point of order?

Mr Kwinter: It's a point of order. Mr Speaker, I was very careful, understanding the rules of this House, not to refer to his attendance in this House. My question deals

with the fact that he was appointed vice-chair of Exports Ontario Inc. All I want to know is, what kind of signal does that send when he is an absentee vice-chair?

The Speaker: He says "member," "vice-chair." It is a very fine line again. I would caution all members to be careful. It is a long-standing tradition and I will not allow it. It is in his capacity.

Interjection.

The Speaker: The member for Scarborough Centre, come to order, or we'll send her out for the afternoon.

Interjection.

The Speaker: The member for Windsor-St Clair, this is your last warning now.

It is now the Deputy Premier's turn for a one-minute reply.

Hon Mrs Witmer: I believe the Minister of Enterprise, Opportunity and Innovation would like to answer that question.

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): A word about the role of Ontario Exports Inc, which is an advisory body to the government: the board meets on a quarterly basis. The remuneration for the board members, for Mr Snobelen and the others, is a grand total of \$1 per year each as an honorarium. We value the contribution that Mr Snobelen is prepared to make both by way of his experience and his expertise.

He has the experience certainly from his business acumen, his business experience, his work internationally to export our resources as the Minister of Natural Resources in the province of Ontario. We welcome his assistance. He will stand in for the chair when necessary in his role as vice-chair. As I say, all of this is for the grand total of an honorarium of \$1 a year.

ONTARIO NORTHLAND TRANSPORTATION COMMISSION

Mr AL McDonald (Nipissing): My question is for the Minister of Northern Development and Mines. On Friday, our government announced that the ONTC would be entering into exclusive negotiations with CN around the issue of rail service in northeastern Ontario. Minister could you please outline the details of this announcement?

Hon Jim Wilson (Minister of Northern Development and Mines): I want to thank my colleague for the very important question. As the member has noted, on Friday our government did announce that it had directed the Ontario Northland Transportation Commission to begin negotiations for the sale of ON rail with CN.

The CN submission is the only submission of the four that clearly meets the service improvement plan objectives and provides the greatest overall value to employees, customers and the people of northeastern Ontario. Our government stands by the commitment of the service improvement plan: job protection, economic development and service improvement. The Premier has made

this commitment very clear, and a promise made is a promise kept.

The ONTC will also pursue a joint venture between ON telecom and a major telecommunications provider. Once again, customer service and job protection will guide our efforts. I want to make it clear that no final decisions have been made for entering into negotiations with CN, and it would be inappropriate to discuss any further details at this time.

Mr McDonald: In reading through the coverage of the announcement this weekend, I noticed several members of the opposition were insisting that we had not kept our promise when it came to job protection.

Interjection.

Mr McDonald: Listen, you've asked eight questions and you haven't asked one of our ministers regarding the ONTC. I think there's a little more concern on our side.

Minister, could you please clarify our government's position around the protection of jobs for ONTC employees?

Hon Mr Wilson: I know job protection is the number one concern for people of the northeast, particularly the member's own constituents. Job protection, economic development and service improvement are our number one priorities. Number one among those is job protection. The Premier made it clear, both when he was running for leader of the party and when he became Premier that job protection is number one. Those principles are guiding our efforts.

CN had the best proposal at this time to best protect jobs. They have the best network, the greatest employment opportunities for the current employees. Our goal at the end of the day is to make sure everybody working today is working into the future and is working for a company that can indeed enhance their job prospects, invest money into the shops of North Bay, into the rails and into the passenger service, and actually improve the economic development opportunities of northeastern Ontario.

That's where we're headed. That's the track we're on. It's the track we're going to stay on until we come to a deal. This is satisfactory to not only the honourable member but his constituents, the union and all the people of northeastern Ontario.

Mr David Ramsay (Timiskaming-Cochrane): To the same minister, the Minister of Northern Development and Mines, on the same subject, the sale of the ONR.

Minister, we are not very reassured by your comments or those of the member for Nipissing—the newly elected member for Nipissing, by 19 votes, I might add—who says that there will be no job loss on his watch. I'd like to remind you that his watch is over, probably, next spring, so that doesn't give us much reassurance at all.

What we want to see is some permanent assurance from you that there's not going to be any job loss. You say in the paper that one of the reasons we chose CN was because of the tremendous job record they've had. Don't you remember the hundreds of jobs that CN has pulled out of northern Ontario and the thousands of jobs that CN

has pulled out right across this country? Talk to the people in Capreol, talk to the people in Moncton, New Brunswick, about all the jobs CN has killed in this country.

Minister, I want you to stand in your place today and guarantee the people of northeastern Ontario that there will be no losses of jobs or rail or freight services in northeastern Ontario.

Hon Mr Wilson: The honourable member is reiterating the commitment that the government has made. The honourable member AL McDonald, the Premier, and I as minister have said that the road we're on is one to protect the jobs of the employees at the ONTC, at the Ontario Northland Railway. CN, of all the proposals, is in the position to best protect the jobs and best create more jobs. They have deep pockets as a company. The overtures they've made so far in the negotiations leading up to this stage have been very positive in terms of wanting to invest four million additional dollars into the shops of North Bay, to actually improve the rail bed, to improve the track and to improve the passenger trains and the freight trains, the actual cars themselves, so more people will want to use the train. These are things that we're going to continue to negotiate with CN. At the end of the day, job protection is our number one priority.

1430

Mr Ramsay: Minister, we are in the best position to protect those jobs by government ownership of the ONR, and that's the way it should remain: government ownership. Two years ago, the employees and management came to you and said, "We want to develop an internal solutions proposal." You encouraged them to do that and said that the proposal would be given serious consideration by the Ontario government. Not only have you not given that serious consideration, but you also put a gag order on that committee so that the proposal would never see the light of day.

We in northeastern Ontario want to see that proposal. We want an opportunity to debate that proposal before you sell off our railway. I want a commitment today that you will do that—that you will release that proposal and we'll have a debate so we can keep that railway for northeastern Ontario.

Hon Mr Wilson: The honourable member talks about continued government ownership of this particular railway and the telephone company. On April 19, before the standing committee on government agencies, the honourable member, David Ramsay, said the following: "Over the years I've been critical of the organization," referring to ONTC. "Shouldn't we get this cleaned up and let the private sector run this?" He went on to say, "I've proposed a casino in that train, snowmobile cars, and to really get back to the idea of providing people here a northern adventure. We have a mechanism here. It probably should be run by the private sector." At the same meeting, for a third time the honourable member said, "I've really got to ask you"—the current chair of the ONTC, Royal Poulin—"do you think government should be in the telephone business today?" That's one of the

businesses run by ONTC. "Shouldn't we get this cleaned up and let the private sector run this?"

He knows full well that CN is the best rail company in North America and that CN's proposal at this stage of negotiations is the best proposal on the table to protect jobs—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

TOURISM

Mr Bart Maves (Niagara Falls): While the member for Nipissing clearly puts the interests of the people of the north in the forefront more than does any other member of the House, especially among the neglectful members opposite, I like to think that I likewise put the interests of tourism at the forefront more than any other members of the House. Therefore, my question is for the Minister of Tourism and Recreation.

Minister, small business in Ontario creates major opportunities for economic development and innovations, keeping our economy strong. Diverse and prosperous small businesses in my riding of Niagara Falls have ensured that our local economy continues to grow. After September 11, 2001, having fewer visitors come to Niagara challenged businesses, especially tourism-related small businesses. As tourism minister, what are you doing to entice more tourists to visit Niagara and the province?

Hon Frank Klees (Minister of Tourism and Recreation): I thank the member for Niagara Falls for his question. I know that he's keenly interested in tourism in Ontario. This government knows full well that small business and tourism are vital in Ontario's economy. There are close to 150,000 businesses in Ontario providing tourism products and services. This represents almost 20% of all of the business done in Ontario.

After September 11, we invested some additional \$10 million in marketing, which totalled some \$14 million to assist tourism in the province. Of particular interest to the member for Niagara Falls is that, working with Niagara Falls Tourism, the Ontario Tourism Marketing Partnership developed a media campaign in Buffalo, Cleveland, Rochester, Pittsburgh and Syracuse, building on the successful theme "Come On Over," and they did. Additional tourism was generated within the border area. Last year's campaigns generated 46,000 responses and a 37% increase in sales of vacation packages to Niagara.

Mr Maves: Thank you very much, Minister, for your response. Indeed, the increase in marketing support from the government helped in Niagara quite a bit after September 11. I congratulate you and one of your predecessors, Minister Hudak, who was minister at the time, for that initiative. Small businesses, as I say, have benefited from this government's efforts since September 11.

As you know, tourism is the world's fastest-growing industry. What are you doing to ensure that smaller tourism-related businesses in Ontario will continue to benefit from tourism?

Hon Mr Klees: A good question. The Ernie Eves government is working on making Ontario a top-of-mind tourism destination throughout the world. We are promoting seasonal marketing campaigns, promoting festivals and events, and supporting new product and development investment.

My ministry also provides marketing opportunities for small businesses by building alliances with businesses that have similar audiences. Promoting destinations is an integral part of my ministry's mandate. The Ontario Tourism Marketing Partnership organizes familiarization trips for international media to tour destinations throughout Ontario.

Just last Friday, I had the pleasure of launching the new tourism consumer information system. TCIS is a \$16.2-million investment on the part of our government in an interactive, integrated travel and tourism service that will make information on travelling in Ontario more accessible to travellers and tourism businesses alike.

STUDENT DROPOUT RATE

Mr Rosario Marchese (Trinity-Spadina): My question is to the Deputy Premier. Deputy Premier, you must act immediately to prevent tens of thousands of high school students taking applied courses from dropping out.

Your own Dr King—I think you'll probably know him by now—told you that things were better for these students before your government took over. We're talking about students, young people, who come from modest-income homes, people who work in factories, people who work in restaurants, in plants across this province, in the retail sector, in the service sector, in every sector. They work hard and they want better opportunities for their children.

Minister, I want to work with you. Our party wants to work with you. Are you willing to work with us to develop emergency measures to keep these students in school?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): We are always interested in working with other parties. In fact, as the member full well knows, it was his party that set up the Royal Commission on Learning under Bégin and Caplan. As you remember, that commission found that the dropout rates were 65% for students in basic level courses. For students in general level courses, they had a 58% dropout rate. Of course, they recommended that we take a look at a two-streamed approach. We did introduce the recommendations of the report that you commissioned and we have been working ever since to make sure that those students who need the extra help to succeed are not left behind.

Mr Marchese: They are being left behind. I didn't create the mess; you did. You and your government created this crisis, and Dr King, the person you hired to do the study, said these students are doing worse today than they were in my time. So I didn't create the mess; you did. The opportunities young people are looking for

are not there. Don't tell me about some commission that you say you worked on; King is telling you that whatever you've done has created a problem for young people who come from modest homes. These kids need a degree, need an education, without which they can't get into a college, without which they won't have the opportunities that they are desperately looking for.

I want to work with you, Minister. We need emergency measures today. I'm asking you, will you work with us to find what those emergency measures are today, not in another year and not after the next election?

1440

Hon Mrs Witmer: We have made progress and we are making progress. In fact, the difference between us and the other parties is that we commissioned this study because we wanted to find out how the students were doing and how we could help those students.

Furthermore, it might interest you to know that the Star article claiming a 50% increase in failure rates for students taking applied courses is totally inaccurate and misleading.

The King study shows failure rates in grade 10 were higher than grade 10 general, but by scholar percentages. In English it was less than 1%; in math it was 6.8%, and in science it was 2.9%. That's a long way from what the Star article says about 50%.

For your information, we have put policies in place to help principals identify students. We have remediation funding for literacy and numeracy in grades 7 to 10. I have asked the curriculum implementation partnership to develop—

The Speaker (Hon Gary Carr): I'm afraid the Deputy Premier's time is up. New question?

Mr Gerard Kennedy (Parkdale-High Park): Minister, I'm hoping that on reflection there might be some better answers because I'd like to ask you about the same subject matter. There is a problem, and if you don't acknowledge it, 65,000 young adults in this province will pay the price.

You brought up a new curriculum. It looked good on paper and it was popular when it was still on paper, but in practice it is failing a whole host of kids. You have this huge, thick report. It's your second report. You told us last week that you hadn't even read this report, but surely you are aware of this distinctive problem. There is a 50% increase in the number of these young adults who are failing to accumulate courses on a track to graduate; a 50% jump. Minister, 64% of the kids in this applied stream are at risk, according to the author of your report.

You're here with that huge failure in front of you. Please table with us your plan to help these kids and to do it without delay.

Hon Mrs Witmer: Here is this member, one more time, claiming a 50% increase in failure rates. That is totally inaccurate and misleading. The King study—

The Speaker: Sorry, Deputy Premier. You'll have to withdraw the word "misleading." You can't say that about another member.

Hon Mrs Witmer: I withdraw.

The King study clearly shows, if the person opposite would care to look, that in grade 10 applied courses the differences were: English, less than 1% increase in failure; math, 6.8% increase; science, 2.9%. That is far different than the 50% increase in failure rate that the Star article claims. Furthermore, we asked for this study because, unlike you, we want to know how our students are doing. We want to make sure we can give them the extra help.

We have put programs in place. We have new workplace experience programs, we have new co-op programs—

The Speaker: I'm afraid the Deputy Premier's time is up.

Mr Kennedy: It's too important, Minister, to bandy with you. On page 6 of the report is a 50% jump in loss of credits by kids who are trying to graduate in the applied stream.

Minister, what I do want to discuss with you and I do want your attention for is something these kids can't get by without, and that is some extra assistance. For the last four years people have been telling you that the grade 8 and grade 9 curriculum isn't fitting together, that there needs to be remedial, that there needs to be more help for teacher training, that there needs to be assistance in terms of teaching resources. Are you listening today? There is a report here, and on this hangs the future of 65,000 kids who this report says are at risk for dropping out of school. You need to focus on this and you need to tell us here today how you will be responding this year to help these kids do what all of us in this House have a responsibility to aid and abet, and that is getting them to graduate. Will you be helping them?

Dalton McGuinty and I tabled a plan in June, Minister. We asked you to focus. We asked you to give these kids extra assistance—

The Speaker: I'm afraid the member's time is up.

Hon Mrs Witmer: No government has done more in order to help our students achieve success than our government. We have been providing remediation support: \$25 million annually for grades 7 to 10 for extra help in reading, math and writing; \$70 million in ongoing funding to help improve reading skills; \$875,000 in higher achievement support for grades 6 to 9.

Recently I announced 21 million additional dollars in order to help our teachers excel in the program. As I've just indicated, I have asked the curriculum implementation partnership to further develop an action plan to make sure that we can support all of these students at risk. They will be providing a report by the end of November. They have already done very good work and we're going to build on what they've done, unlike the members opposite.

LIBRARY WEEK

Ms Marilyn Mushinski (Scarborough Centre): My question is for the Minister of Culture. I understand that today marks the official launch of Ontario Public Library

Week. In fact, I know that the Minister of Training, Colleges and Universities was in her riding of London North Centre this morning at the new Central Library to mark this important week and to say a few words on your behalf.

We all know the significant social, educational and economic contributions that public libraries make to communities across Ontario. Let us not forget that libraries also promote free and equitable access to information and a world of ideas. Could you please enlighten this House as to the many other benefits that our libraries provide to the people of Ontario?

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): I'd like to thank the member for Scarborough Centre for the question. I'd also thank the Minister of Training, Colleges and Universities for representing our government at this very important event.

It is indeed my pleasure to promote Ontario Public Library Week. I think of one of the finalists in the Trillium Book Award, *Make Believe Love*, by an Ontario author by the name of Lee Gowan. In that book, one of the characters refers to libraries as one of the great institutions of democracy. It's quite true. Libraries recognize no differences between race, wealth, ethnicity or religion. Libraries do open up doors for our young people through reading, through learning and to their future. It is indeed my great pleasure to speak about libraries in this very important week.

Ms Mushinski: Thank you for that response. It's also my hope that people around the province will go out and celebrate library week by visiting their local libraries to see first hand what services are offered right in their own community.

I know that libraries often serve as community centres, particularly in smaller areas of Ontario. In fact, I know that to many new Canadians, libraries represent a safe place to go, somewhere where they will not feel intimidated. Families wanting to spend time together may enjoy the advantages of areas dedicated to readers of all ages.

To help celebrate Ontario Library Week, I understand that many local libraries are preparing special events, such as visiting authors. I know that some are taking advantage of this time to launch new programs, like homework help sessions and cooking demonstrations.

Can you tell us how your ministry plans to recognize libraries across the province this week?

Hon Mr Tsubouchi: I thank the member for Scarborough Centre again. It is indeed my pleasure today to say that libraries are recognized by our ministry for excellence in two categories. One is for excellence and the other is for innovation. It's my great pleasure to announce the winning libraries right now.

The awards for innovation recognizing new ideas in public library service go to the East Ferris Public Library, the Oxford Public Library and the Pickering Public Library, which I know the Minister of Finance would like to applaud for.

The awards for excellence in public library service go to the Manitoulin Island Library Action Network, the

Powassan and District Union Public Library, the Brantford Public Library and the Windsor Public Library.

I join with all members of the House in congratulating our libraries for providing such wonderful services to the people, and especially the children, of this province.

MUNICIPAL RESTRUCTURING

Mr Richard Patten (Ottawa Centre): My question is for the Minister of Municipal Affairs. I have an affair that I'd like to talk to him about. Following the amalgamation of the city of Ottawa in 2000, the city council was obliged by your government to review its ward boundaries in its first term. The Ottawa city council unanimously decided to proceed—this was over a year ago; it unanimously agreed on the terms of reference and the criteria—all councillors; and it unanimously agreed on the three people to head up the task force—a very prestigious group of people, I might add.

1450

Ward populations range from 14,000 to 63,000 right now and, if not changed, will spread to probably five times one over and against another. Three rural associations launched an appeal at the OMB and you, Minister, took the highly unusual step of intervening by invoking a stay in the proceedings. Why would you put a stop to this process that pre-empts the OMB and undercut the city council that was told to review the boundaries by your government?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I know the minister of rural affairs wants to answer this.

Hon Brian Coburn (Associate Minister of Municipal Affairs and Housing): As the member opposite knows, whenever the amalgamation discussions in Ottawa were underway, one of the major considerations was representation in rural areas. Of course, as the member well knows, 90% of the city of Ottawa is in the rural portion. Three organizations that cover more than three quarters of that expressed great concern with the decision the city council made and were quite concerned about losing representation, their voice on the city council, by removing one member from the rural area.

The minister and this ministry felt it was appropriate to take a time out, and let's review the process on how we review that. Strictly, the application of representation by population was one of the things that was considered during the amalgamation, but it wasn't the only thing. The representation at the council table by the rural areas was of utmost importance.

Mr Patten: What you're really saying is that whatever system you put, no matter what mandate—this was going on for over a year—if you don't agree with the other party, then you walk in and take over, which is typical. I know the activities of Mr Baird and Mr Sterling in pushing for this as well.

These boundaries were set by your government, by the way, and all councillors were happy except one.

There's a man by the name of Mr Randall Denley, who's usually on this government's side, and he says, "...but it's always disturbing to see the provincial government usurping local decision-making powers. It's getting to be a bad habit. Any time something doesn't go the way the Tories want, they change the rules or fire the people involved. First they made Claude Bennett dictator for a year, then they took over the hospital board, dumped the community care access centre board and fired the school board. The province has also undercut the Ontario Municipal Board, the appeal body designed to resolve disputes about municipal decisions.

"Seems like the only guys who can get it right are the Tories themselves."

Will you do something before the end of this year so that we don't have to—

The Speaker (Hon Gary Carr): Order. The member's time is up. Associate Minister.

Hon Mr Coburn: With the time out there will be an opportunity to review it with the folks in Ottawa as to how they can address this situation. Our government listens to the concerns of all the people—

Interjection.

Hon Mr Coburn: —not just a select few in different areas. There is good reason—

The Speaker: May I ask the member for Ottawa Centre to withdraw that?

Interjection.

The Speaker: Associate Minister, sorry. Continue.

Hon Mr Coburn: He finds it quite convenient to reference all of the other issues that have gone on in Ottawa. Every one had merits on its own as to why we addressed those particular areas: because of accountability, because of concern by the residents and the electorate that I serve as well in the Ottawa area. Those concerns were brought to our attention.

It's a time out. There's ample opportunity there for the city council and residents to work on a process that will resolve this conflict in the future.

ROAD SAFETY

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Today, my question is to the Minister of Transportation. We all read about tragic events on our provincial roads and highways. In fact, we were sadly reminded of this again over this past weekend. Three teens were killed when a car hit them in the Welland area as they walked along the sidewalk. The driver of the car was also killed.

We know that many road crashes are preventable. Speeding, alcohol, distractions or just plain careless driving claim too many lives. We all agree that the loss of just one life is too many. What action are you taking to reduce aggressive and unsafe driving here in Ontario?

Hon Norman W. Sterling (Minister of Transportation): No matter what we do with regard to building better roads, creating safer rules around road safety, we still have a number of things that happen on our high-

ways. I want to express our sympathy to the families who were involved in that terrible crash over this weekend in Welland.

Since we came to power in 1995, our government has worked hard to curb aggressive and unsafe driving. We have introduced many tough new measures that are making our roads safer. We've allowed municipalities to establish community safety zones, doubling fines for many of the unsafe driving offences, including speeding. We've increased fines for running red lights. We have allowed municipalities to have red-light cameras. We introduced vehicle impoundment for persons suspended under the Criminal Code who continue to drive. We'll continue to work on these as long as we can, but we still must educate the public to drive safer.

Mr Gill: I want to thank the minister for his response. I know many Ontarians share your concern for road safety and are eager to contribute.

Despite the valuable efforts over the years of groups like Mothers Against Drunk Driving, Ontario Students Against Impaired Driving, and the Ontario Provincial Police, to name just a few, drinking and driving continues to be a problem in this province. Minister, what is your ministry doing to address the problem of drinking and driving in Ontario?

Hon Mr Sterling: It's a combination of things. We are working co-operatively with our police forces across our province to ensure that drinking and driving don't go together. We've introduced a 90-day administrative driver's licence suspension. We have 12-hour roadside licence suspension for drivers with a blood alcohol content between 0.05% and 0.08%. We have a zero blood alcohol level for novice drivers. We have a mandatory remedial measures program involving assessment, education, treatment and follow-up for convicted offenders.

I guess the most recent innovation, brought forward by Garfield Dunlop, is the ignition interlock program which we will be instituting in January of next year.

We will continue to look for more and more ways of preventing drinking and driving together.

SCHOOL BOARDS

Mr David Christopherson (Hamilton West): My question is to the Minister of Education. Minister, you will know, or should know, that last Wednesday your personally appointed supervisor of our school board spoke at the assembly of school councils at Westmount Secondary School. At that meeting, he stated that he had now formed a community advisory council that was advising him on all of the big questions facing him, and I would assume that would include the strike involving the educational assistants that is keeping hundreds of children out of the classrooms. During the course of the meeting, Minister, citizens asked if they could be told who is on the advisory committee. Your supervisor said that he was not going to release the names of the members of the advisory committee.

Minister, this is unacceptable on our side of the House. I want to know if this is acceptable to you, to

have a secret advisory committee, or whether you're going to direct the supervisor to make those names public.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I understand that the supervisor in Hamilton is being advised by many people. I understand he's had extensive consultations with people in the community and I understand he's very close to being ready to present us with a balanced budget.

Mr Christopherson: That is exactly the point. The budget is everything at the end of the day in terms of education and the crisis that we face in Hamilton. It is your supervisor who made a specific point to say that the steps he was taking involved the formal setting up of a community advisory council. We want to know who is on it. It affects our kids. He's keeping it secret. I want to know whether you find it acceptable that there's a secret advisory group advising your supervisor on how our education system ought to run, or whether you're going to stand in your place today and say that that is unacceptable and that you are directing your supervisor to release the names of his secret advisory group.

Hon Mrs Witmer: I can assure you that in everything the supervisor in Hamilton has undertaken, he has always done so with the best interests of the students at heart. In fact, I know he has made visits to schools to personally see the state of the schools and to meet students, parents and teachers. I can assure you that as he makes his decisions, he has consulted widely with a wide-ranging group of individuals in the community of Hamilton.

1500

PETITIONS

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): I have several thousand names on this petition, which is a part of the 26,000-name petition dealing with Highway 69. It is to the Legislative Assembly of Ontario, and it says:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction im-

mediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I affix my signature to this petition. I give this petition to Nazir, our new page, who will bring it to the table.

ADOPTION DISCLOSURE

Ms Marilyn Churley (Toronto-Danforth): I have more petitions on adoption disclosure reform. It reads:

"To the Legislative Assembly of Ontario:

"Whereas in Ontario, adopted adults are denied a right available to non-adoptees, that is, the unrestricted right to identifying information concerning their family of origin;

"Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child;

"Whereas these rights are denied to persons affected by the secrecy provisions in the adoption sections of the Child and Family Services Act and other acts of the province of Ontario;

"Whereas research in other jurisdictions has demonstrated that disclosure does not cause harm, that access to such information is beneficial to adult adoptees, adoptive parents and birth parents, and that birth parents rarely requested or were promised anonymity;

"We, the undersigned, petition the Legislature of Ontario to enact revision of the Child and Family Services Act and other acts to permit adult adoptees unrestricted access to full personal identifying birth information; permit birth parents, grandparents and siblings access to the adopted person's amended birth certificate when the adopted person reaches age 18; permit adoptive parents unrestricted access to identifying birth information of their minor children; allow adopted persons and birth relatives to file a contact veto restricting contact by the searching party; replace mandatory reunion counselling with optional counselling."

I will affix my signature to this petition.

VOLUNTEER FIREFIGHTERS

Mr Bill Murdoch (Bruce-Grey-Owen Sound): This is a petition to the Legislative Assembly of Ontario.

"Whereas double-hatter firefighters have historically provided a vital service to small and rural communities across Ontario by volunteering services to their local fire departments in addition to their professional firefighter duties; and

"Whereas by volunteering, these full-time firefighters provide highly valued expertise, skills and training for fellow volunteers; and

"Whereas the vital input, support and work of our full-time firefighters are now being placed in jeopardy by reported union pressure, including charges and threats of charges aimed at putting an end to this vital volunteer service; and

"Whereas MPP Toby Barrett"—and others—"the Association of Municipalities of Ontario and the Firefighters' Association of Ontario have made clear their support for this legislation;

"We, the undersigned, respectfully petition the Parliament of Ontario as follows:

"That the government of Ontario support Waterloo-Wellington MPP Ted Arnett's Bill 30, a private member's bill titled the Volunteer Firefighters Employment Protection Act, and enshrine in law the right of full-time firefighters to volunteer."

I have signed this also.

EDUCATION FUNDING

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):

"To the Legislative Assembly of Ontario:

"Whereas we believe that all education resources should be directed to our public schools, not private schools;

"Whereas the Harris-Eves government has been attacking public education for six years, chopping \$1.8 billion from the classroom, and now wants to pay parents to leave public education for private schools;

"Whereas we believe that a voucher plan for private schools is wrong, unfair, steals money from public education;

"Whereas we believe that these funds being invested in private schools would be better spent on rebuilding public education through such measures as bringing class sizes down to 20 students per class in the early years;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Do not turn your back on Ontario's working families, fight the Harris-Eves voucher system for private schools, fight for smaller class sizes, and fight for public education."

I'm very happy to sign my signature to this petition. I will be handing it to Maureen, who has just started as a page today in the assembly.

HYDRO RATES

Mr Dominic Agostino (Hamilton East): "To the Legislative Assembly of Ontario:

"Whereas the Ernie Eves government promised the people of Ontario that the opening of the electricity market would deliver lower hydro rates and improve service; and

"Whereas hydro rates have risen 21% over the past five months since the opening of that market; and

"Whereas consumers have been advised to expect power shortages in spite of higher costs; and

"Whereas consumers have not been adequately informed about the unbundling of charges and therefore do not understand and cannot reconcile the charges shown on their hydro invoices;

"Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to convene

a legislative committee to oversee electricity issues in order to inform and protect the public interest."

Speaker, I'm pleased to add my name to the petition and I will give it to Hin-Hey, our new page, to bring over to you.

VOLUNTEER FIREFIGHTERS

Mr Toby Barrett (Haldimand-Norfolk-Brant): I also have a petition entitled "Support the Right of Full-Time Firefighters to Volunteer." It's signed by a number of people in my riding, people from Port Dover, Caledonia, Simcoe, Delhi, Vittoria, Walsingham and Langton.

"Whereas double-hatter firefighters have historically provided a vital service to small and rural communities across Ontario by volunteering services to their local fire departments in addition to their professional firefighter duties; and

"Whereas by volunteering, these full-time firefighters provide highly valued expertise, skills and training for fellow volunteers; and

"Whereas the vital input, support and work by our full-time firefighters are now being placed in jeopardy by reported union pressure, including charges and threats of charges, aimed at putting an end to this vital volunteer service; and

"Whereas MPP Toby Barrett, the Association of Municipalities of Ontario (AMO) and the Firefighters' Association of Ontario (FFAO) have made clear their support for this legislation;

"We, the undersigned, respectfully petition the Parliament of Ontario as follows:

"That the government of Ontario support Waterloo-Wellington MPP Ted Arnett's Bill 30, a private member's bill titled the Volunteer Firefighters Employment Protection Act, and enshrine in law the right of full-time firefighters to volunteer."

I will add that hearings from interested parties continue before the standing committee on justice and social policy. I'm in agreement with the sentiments of this petition, and hereby affix my signature to it.

NATURAL GAS RATES

Mr Pat Hoy (Chatham-Kent Essex): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore, be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy

directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

This is signed by a number of persons from Grande Pointe, Chatham, Port Lambton and Tilbury, and I too sign this petition.

AFFORDABLE HOUSING

Mr Michael Bryant (St Paul's): "To the Legislative Assembly of Ontario:

"Whereas the number of tenants receiving above-guideline increases is growing exponentially; and

"Whereas many of these increases are for increases in utility costs, many of which have gone down since; and

"Whereas tenants should not have to pay for improvements forever, even when the costs have been realized by these rent increases; and

"Whereas the Tenant Protection Act does not give a tenant relief due to the costs being realized or a drop in utility costs; and

"Whereas tenants should not be receiving rent increases where there are work orders issued for the building;

"Therefore be it resolved that we, the undersigned, petition the Ontario Legislature to immediately pass the Liberal bill entitled the Fair Rent Increases Act at the earliest possible opportunity so that tenants can get relief from above-guideline increases once the bills have been paid."

I feel so strongly about this one that I'm going to affix my name to this one myself.

1510

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): I have more names on this 26,000-name petition. It's dealing with the multi-laning of Highway 69, and it's to the Legislative Assembly of Ontario.

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of any government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I affix my signature to this petition. I give this to our new page, Natalie, to bring to the front desk.

WATER EXTRACTION

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): "To the Legislative Assembly of Ontario:

"Whereas we, the residents and cottagers of Bob's Lake, strenuously object to the permit issued by the Ministry of the Environment to OMYA Inc to remove 1.5 million litres of water per day from the Tay River, without adequate assessment of the consequences and without adequate consultation with the public and those people and groups who have expertise and interest; and

"Whereas it is our belief that this water taking will drastically impact the environment and seriously affect the water levels in Bob's and Christie lakes. This in turn would affect fish spawning beds as well as habitat. It would also affect the wildlife in and around the lakes; and

"Whereas Bob's Lake and the Tay River watershed are already highly stressed by the historic responsibility of Parks Canada to use Bob's Lake as a reservoir for the Rideau Canal; and

"Whereas the movement of water from the lake through the watershed for navigation purposes in the canal provides sufficient stress and problems for the lake. This water-taking permit will only compound the stresses on the waterway;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We request that this permit be rescinded until a comprehensive evaluation of the impact of water taking by OMYA Inc on the environment, the water levels and the water needs of these communities is complete. An independent non-partisan body should undertake this evaluation."

I am very happy to sign this petition because I am in full agreement. I'm going to hand it to Grant, who is with us today for the first time.

SCHOOL BUS SAFETY

Mr Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas some motorists are recklessly endangering the lives of children by not obeying the highway traffic law requiring them to stop for buses with their warning lights activated;

"Whereas the current law has no teeth to protect the children who ride the school buses of Ontario, and who are at risk and their safety is in jeopardy; and

"Whereas the current school bus law is difficult to enforce, since not only is the licence plate number required but positive identification of the driver, which makes it extremely difficult to obtain a conviction;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the measures contained in private member's Bill 112, An Act to amend the Highway Traffic Act to protect children while on school buses, presented by Pat Hoy, MPP, Chatham-Kent Essex, be immediately enacted. Bill 112 received the unanimous all-party support of the Ontario Legislature at second reading on June 13, 2002.

"Bill 112 imposed liability on the owner of a vehicle that fails to stop for a school bus that has its overhead red signal lights flashing; and ...

"We ask for the support of all members of the Legislature."

This is signed by a number of residents from the Chatham area. I have hundreds and hundreds of names on petitions, and I too have signed this one.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): A further petition on the multi-laning of Highway 69, and it's to the Legislative Assembly of Ontario:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas it is the responsibility of any government to provide safe roads for its citizens, and the Harris-Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Harris-Eves government to begin construction immediately and four-lane Highway 69 between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I, of course, affix my signature. I ask Matthew, our new page, to bring it to the table for us.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Doug Galt (Minister without Portfolio): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 181, An Act to amend the

Legal Aid Services Act, 1998, when Bill 181 is next called as a government order the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment and at such time the bill shall be ordered referred to the standing committee on justice and social policy; and

That the vote on second reading may, pursuant to standing order 28(h), be deferred; and

That the standing committee on justice and social policy shall be authorized to meet for one day at its next scheduled meeting time for the purpose of consideration of the bill; and

That, no later than 4 pm on that day, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond its normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the standing committee on justice and social policy, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That, when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Speaker (Hon Gary Carr): Mr Galt has moved government notice of motion 44. Further debate?

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I will be sharing my time with several esteemed members of my party who are asking me to do so.

Just to remind the people at home so that they can follow as I go along, today we are going to be debating a motion to send Bill 181, the Legal Aid Services Amendment Act, to the standing committee on justice and social policy for its consideration. This motion comes after three sessional days of debate on this bill with numerous speeches from all sides of the House.

In an effort to save some time this afternoon, I'll do the House a small favour. I'll both raise and rebut the tired arguments that the opposition trots out every time the government tries to move a bill forward. I'll then explain again why Bill 181 is essential to the proper administration of justice in Ontario and worthy of the approval of this House. Hopefully, the opposition will return this favour by not inflicting their usual time allocation rant on their very fellow members and people at home.

1520

The first opposition argument comes courtesy of the member for St Paul's. His argument goes like this, and this is historic opposition argument number 1: "Since 1995, the Harris-Eves government has time-allocated 80 bills." This is how he'll say it. I'm sure he'll get a chance to say that again today. I'm sure you've seen that before. "This government has made more guillotine motions than Madame Lafarge." That's what he'll say.

It's true that this government has made use of the standing orders of this House to advance a bill efficiently, but only after a substantial period of debate. In fact, some might say it's our job to pass legislation—the people of Ontario have given us that right and that mandate—and not to debate it to death.

In the case of Bill 181, we'll have had about 10 hours of debate by the end of this session. We've heard a number of speeches from every party, including an opening speech from the Attorney General and speeches from the main Liberal and NDP opposition critics that went on one full hour apiece. So let's be clear: we have dedicated a great deal of time to debating Bill 181 in this House.

The next argument is one the member for St Catharines likes to use, and that is stock opposition argument number 2: the word "Parliament" is derived from the French verb "parler," which means "to talk." Time allocation motions diminish democracy and the ability of the members of the Legislature to talk about bills of interest to them and to their constituents.

This is how the member for St Catharines will start his argument. I'm sure you'll agree that the opposition's knowledge of the French language is impressive; however, the failure to remember or acknowledge the 10 hours of debate on this important bill before today is not.

The government's position on this bill is very clear. Regrettably, so is the opposition's. Let's remember that the opposition does not agree with the bill. They do not believe the House should approve a bill that would provide legal counsel to hundreds of poor Ontarians who currently have none. Why is that so? For the New Democrats, the reasons are perhaps ideological. For the Liberals, the reasons were probably dictated over the phone by policy director Warren Kinsella. At any rate, because they oppose this bill, they will do anything, including subjecting the House to epic speeches by the member for Niagara Centre, to slow down or prevent its passage.

Should they be more co-operative? Perhaps they should be. Every day the opposition calls upon the gov-

ernment to take immediate action to help those in need. With Bill 181, that's exactly what we're doing: taking swift action to make sure those in need can have legal representation. Yet here they are asking us to delay and delay more. Is that in the interests of the people who rely on Legal Aid Ontario for help? Clearly not. So in whose interests are the Liberals and NDP arguing when they say they want to drag this bill out? It's not clear to me or to many others here, as well as to people at home.

Personally, I think that if the opposition adopted more of our policies, particularly relating to taxes and public safety, they might find themselves a little more successful at the polls. I can assure the members of the opposition that the women and children who need legal aid lawyers will find little comfort in the knowledge that Liberals and New Democrats believe it politically expedient to talk till they drop. Members on this side of the House want to do right by these people. Why don't they?

Now we come to stock opposition argument number 3, and I quote: "Time allocation motions are a way for the government to prevent members of the opposition from examining or criticizing ill-considered bills. That's censorship." That's what they will say.

Mr Michael Bryant (St Paul's): On a point of order, Mr Speaker: Is there quorum?

The Deputy Speaker (Mr David Christopherson): Do we have quorum?

Clerk Assistant (Ms Deborah Deller): Quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant: Quorum is now present, Speaker.

The Deputy Speaker: Quorum being present, the member for Bramalea-Gore-Malton-Springdale may continue.

Mr Gill: Thank you, Mr Speaker. I do want to thank all the members who came back to listen to my speech. I appreciate that.

Let me remind the House that as we speak, some lawyers in this province are choosing to deny legal representation to some very vulnerable people: women and children. This is unacceptable, to this government anyway. I can't understand why the opposition, particularly the NDP, do not favour speedy consideration and passage of this bill. Consider my surprise to read Hansard and find the member for Toronto-Danforth stating that she opposes this bill because legal aid lawyers making \$88 per hour are underpaid. Although I knew the New Democrats wanted to raise Ontario's minimum wage, I would never have guessed that they meant raising it from \$88 per hour to \$150 per hour, perhaps.

Stock argument number 4: "This bill will fundamentally alter the way we have delivered services in the province of Ontario; therefore we need public hearings on this bill." You've heard that.

They want public hearings on everything. Last week the member for Toronto-Danforth stated that she wanted public hearings on this bill. Why? Because their resident justice expert, the member for Niagara Centre, said it would be a good idea. Mr Speaker, it's just too easy.

They want public hearings on everything. They don't want this House to move on and do the right thing for Ontarians. They just want to drag this thing out, debate it to death. Those calling for public hearings are the same people who have been calling on us to act quickly to solve this problem. It's amazing. They ask us to move quickly, we do, and now they want us to take the bill on the road for weeks and weeks to hear what lawyers think. With respect, we already know what they think. Lawyers have made it abundantly clear with their tactics. The people in Brockville who can't get a lawyer don't need public hearings. They need help, and we're going to give it to them. And they need the help now.

The reason we need to move forward with this bill quickly is clear to everyone but the opposition. Maybe they just don't understand the bill. This is quite likely, given some of the remarkable comments made by the members for Hamilton East and Scarborough-Agincourt about Mississippi and the death penalty. So as I promised earlier, I'll explain to them again what this bill will allow Legal Aid Ontario to do.

1530

To ensure that the interests of justice continue to be served, our government is proposing to amend the Legal Aid Services Act. That's what this bill is about.

As you have already heard, the purpose of this bill is to achieve a balance in the way legal aid services are provided in this province. The legislation would, if passed—and again, it's still being debated—place various tools or options at the disposal of Legal Aid Ontario. These options would include hiring more staff lawyers, expanding the role of duty counsel and contracting out work to private lawyers and law firms.

Legal Aid Ontario, the provincial agency responsible for administering legal aid services, established a pilot project two years ago in which family law staff offices were opened in Thunder Bay, Ottawa and Toronto. The evaluation of the pilot project has determined that the mixed system is a success.

In Canada, legal aid is provided through separate legal aid plans in each of the provinces. Though each province and territorial government has developed its own legal aid scheme, three general models have been adopted: a staff system, a judicare system and a mixed system. Several provinces either rely almost completely on staff lawyers or on a mixture of staff and private counsel.

I would like to use this time to remind members of the opposition who claim that this bill will lead to an Americanization of the Ontario justice system—I guess this is why they like to talk about Mississippi and death row. This is simply not the case. If the Liberals and New Democrats would employ their researchers to do something more useful than sorting through cabinet ministers' trash, they would know this. Let me explain what other provinces are doing so that they can see where Ontario's going and how our direction compares to legal aid plans in other parts of Canada.

New Brunswick, Ontario and Alberta are the only provinces that have primary judicare or private bar,

although there are circumstances where there are staff lawyers available. Other provinces make use of what is called a staff system. Under a staff system a legal aid plan directly employs lawyers to provide legal aid services. Newfoundland and Labrador, Prince Edward Island, Nova Scotia and Saskatchewan have adopted this approach.

In staff systems, the private bar may still be used when circumstances warrant; for example, if there are conflicts of interest or staff lawyers are unavailable. A mixed system combines the judicare and staff systems and utilizes both private and staff lawyers in the provision of legal services.

The legal aid plans in Quebec, Manitoba, Northwest Territories, Nunavut and Yukon operate mixed systems of legal aid. In most of these jurisdictions, the client has the right to choose counsel, either staff or private, from a panel of lawyers providing legal aid services. Quebec has made use of this type of system for decades. I think it's about 30 years.

The mixed models have a proven track record of providing high-quality legal aid services to clients, and this is the type of system that Legal Aid Ontario would deliver if Bill 181 was passed.

So much for the Americanization of legal aid. In fact, this is more like the Canadianization of legal aid.

I would now like to describe the mixed legal aid system used with great success by Manitoba and Quebec in greater detail.

The Legal Aid Service Society of Manitoba was established in 1972 and is responsible for the administration of legal aid services in that province. Similar to Ontario, it is an entity governed by an independent board of directors whose members are appointed by the provincial government. In mixed-service models such as Manitoba, the legal aid program provides formal representation in the areas of criminal, family and poverty law. The program also represents groups in cases of public interest.

When a client applies for legal aid in Manitoba, they can request a specific private bar lawyer. The plan will usually send the certificate to that lawyer. If the lawyer is available and willing to accept the certificate, he will so engage. If the applicant does not specify a lawyer, the plan will usually assign a staff lawyer.

Legal Aid Manitoba provides legal services to individuals who appear in court but do not have a lawyer acting for them. This service is available in criminal, youth and some child welfare courts. Legal aid offers duty counsel services in approximately 50 communities in Manitoba. Staff lawyers provide 95% of these services. Staff lawyers, private lawyers mandated by Legal Aid Manitoba, or paralegals provide legal services to individuals who are arrested outside of regular business hours. This service is usually provided over the phone and is available from 4:30 pm to 8 am the next day.

The first legal aid services emerged in Quebec in the early 1950s as an initiative of the bar section of Quebec City. During the following years, the Quebec government and the bar of the province of Quebec signed agreements

relating to the provision of legal aid services. In 1972 the Quebec Legislature passed the Legal Aid Act, which in turn established the legal services commission.

The commission has the authority to establish legal aid centres, and currently has 11 regional and two local centres overseeing the delivery of services in 128 legal aid offices. Each regional and local centre is governed by its own board of directors whose members are nominated by the commission. The commission operates a mixed judicare staff model. Clients can be represented by the private lawyer of their choice if they are available, just like the Manitoba system; otherwise they're represented by staff lawyers.

Legal aid is provided for a range of civil and criminal cases, including criminal charges involving an indictable offence, family cases, youth protection, youth offenders and income security matters. Staff lawyers provide duty counsel representation at all criminal, administrative and family court locations across the province. Only summary legal assistance is provided through duty counsel representation.

Why is the opposition so afraid to debate this proposed legislation on an apples-to-apples basis by looking at the system used in separatist Quebec and socialist Manitoba instead of constantly and inaccurately comparing the system contemplated by this proposed legislation with the American experience? Is it because they know we are doing the right thing and don't want to admit it, or is it because they just can't make any reasonable criticism of the bill based on facts?

If the Legal Aid Services Amendment Act is passed, Legal Aid Ontario would be taking advantage of the strengths offered by both staff and fee-for-service lawyers to provide effective legal aid services. As has been mentioned previously, the current legal aid system grants private bar lawyers a monopoly over the provision of legal aid services in the areas of criminal and family law. The proposed legislation will help Legal Aid Ontario in ensuring the stability and sustainability of the system. This is a very important point. The legal aid system must protect the rights of those in need. It must also be able to prevent disruption of the judicial system. The proposed legislation would allow us to meet our obligations and responsibilities to ensure everyone's right to legal representation is protected. Legal Aid Ontario would be given the tools to achieve a balance in the way services are delivered, including hiring more staff lawyers, expanding the role of the duty counsel, contracting out work, and reducing the nearly total reliance on the private bar.

1540

As I noted at length earlier, the mixed model that uses staff lawyers is operating elsewhere in Canada and works well to ensure high-quality and cost-effective services.

The private bar would continue to perform a significant part of service delivery in the areas of family and criminal law matters. Our proposed legislation would simply expand the method of service delivery and broaden options available to clients.

We believe that a mixed system is the best way to achieve a balanced and sustainable legal aid system and provide the legal services Ontarians need. That is why we are supporting this bill, and that is why we want to move forward with it quickly.

The Deputy Speaker: The floor is open for further debate.

Mr Bryant: I will be sharing my time with the member for Prince Edward-Hastings.

The Deputy Speaker: It will just rotate around and they'll get their turn in rotation.

Mr Bryant: To listen to the member opposite, one would think that we are bringing in a bill which permits the government to do something which it cannot do right now. That is simply untrue. It is untrue to suggest that the government of Ontario does not right now have on the books a law that permits Legal Aid Ontario, an independent body, to deploy staff lawyers in certain jurisdictions in the province. In fact, Legal Aid Ontario has a statutory mandate, under a bill passed by this government in 1998, to use creative means in order to provide legal assistance. They have that power and they have exercised that power in the past. That is not what this bill is about.

This bill is not about creating new legal tools for Legal Aid Ontario; rather, this bill is about a dispute between the Attorney General of Ontario and counsel, in particular in parts of southeastern Ontario. This partisan trump card of a bill is nothing less than a blank cheque to deliver a mortal wound to legal assistance in the province of Ontario. It goes right at the heart and pierces the purpose of the very bill that this government passed in 1998 to empower an independent body to provide legal assistance in a flexible way.

Incredibly, notwithstanding the importance of that independence, and notwithstanding the importance of that law that this government passed, and notwithstanding the rights at issue—in some cases the liberty of individuals, in some cases the security of the person, both protected under section 7 of our Charter of Rights and Freedoms—and despite the fact that the Attorney General has special constitutional and statutory obligations to safeguard our Constitution and to safeguard the administration of justice, despite all of that, we have here before us a motion to end debate on this matter.

I don't know if people who have either a passing interest in this subject or a keen interest in this subject understand what is happening here. This is not a motion to hasten matters. This is not a motion to limit debate. This is a motion to kill debate. It's over after this. I don't know if the people involved in this issue across the province of Ontario—whether it be in Legal Aid Ontario, whether it be the bench, whether it be the bar, whether it be the academy—understand that it's over with this motion, which will pass today under the majority. It's over. The debate on this is over. Not only will there be no more debate on the bill after this; there will be no third reading debate; there will be no debate in committee.

The government purports to be providing amendments, we hear. We don't know what those amendments

are. He has provided some assurances through the media, though not in this Legislature, about those amendments, and we're not even going to get to look at them in committee. Why? Because we will have somewhere between zero and 30 minutes of committee hearings—if you want to call it a hearing—after which it is over; the amendments shall be deemed to be passed. Second and third reading shall be deemed to be passed. It will all be over. Depending on when the committee is meeting, it will be over by the end of this week—no debate, no hearing, nothing; no public hearings, God forbid, no public hearings whatsoever. No witnesses will be called. Even the critical amendments that I think speak to every aspect of legal assistance in the province of Ontario, we're not going to get to look at them, for zero to 30 minutes, because on a day when the Legislature ends at 3:30, as we had today—it was a little early—we would have 30 minutes in committee hearings. Some days it goes much later. Committee hearings can't begin any earlier than 3:30. The clerk is loath to call any witnesses before 4 o'clock under the circumstances. In this circumstance, we have to go through the amendments by 4 o'clock and they'll be deemed to be passed, with no scrutiny whatsoever.

This motion is an affront to democracy and to due process, considering particularly the rights at stake, the minister who is making this motion and the bill that's before us now. What rights at stake am I talking about? Well, don't take my word for it; I know government members wouldn't. Take the word of the former Chief Justice of Canada, the Right Honourable Antonio Lamer. Section 2(b) of the Constitution guarantees the right to counsel. The Supreme Court of Canada has addressed that issue and determined that in all likelihood that does not include the right to public funding of counsel. That said, section 7 of the Constitution has seen, potentially, a positive constitutional obligation on every province to ensure adequate funding for legal assistance. I'll get to that in a moment. The International Covenant on Civil and Political Rights, to which Canada is a party by article 11(d), provides a right to legal assistance without payment by the person charged, if he or she does not have sufficient means to pay for it.

American jurisprudence is along the same lines. In 1999, the Supreme Court of Canada delivered its judgment in a case called *New Brunswick v G(J)*. It involved an indigent parent who was having her child, in an application in the hearing, come up for wardship. It was a case in which the parent might lose custody of their child—pretty important rights at stake, I think everybody would agree. She was denied legal aid. She couldn't afford a lawyer. The court said that the security of the person was implicated by the proceeding to remove her children, therefore the principles of fundamental justice would be violated if she were not represented. Section 7 of the charter was breached. The court held that what happened in that case was not a reasonable limitation under section 1.

Chief Justice Lamer said something that I am sure woke up every Attorney General in the country, federal

and provincial. He said that although there is no obligation under section 10 to provide state-funded counsel, "that doesn't preclude an interpretation of the Constitution that imposes a positive constitutional obligation on governments to provide counsel in those cases when it is necessary to ensure a fair hearing."

So, obviously, one would think, post-1999 every single opportunity that arose in every single province across this country to amend legislation involving legal aid, involving legal assistance generally, would try to ensure that our system in Ontario is aligned with this fairly dramatic finding of the Supreme Court of Canada. So, are we debating whether or not the new legislation is aligned with the Charter of Rights and Freedoms? No, we're not. We're not doing that, because the debate is over after this afternoon.

1550

Are we having public hearings? Are we hearing from Legal Aid Ontario? Are we hearing from Professor John McCamus, who wrote the blueprint on the present system? Are we hearing from those in the legal clinics who might be affected by way of collateral damage or reward perhaps? Are we hearing from any of the parties involved in the dispute? Are we hearing from any of the elected representatives of the people involved in the profession itself; in other words, the regulatory body, the Law Society of Upper Canada? Are we hearing from any of the countless experts who have spoken to and studied this, some of whom were cited in support by the government during their debate? Are we hearing from any of those people?

Are we hearing from any of the people who are going to be affected by this? Are we hearing from the people who currently cannot afford counsel and are not being represented? Are we hearing from any of them? We're hearing from none of them, because there are no public hearings. This motion kills the debate. It's an affront to democracy but also to due process because this bill means we won't have the opportunity and ensure that in fact the present laws of Ontario and the potential laws of Ontario align with this finding of the Supreme Court of Canada in 1999.

The dean of constitutional experts in Canada, the person who has been cited by the Supreme Court of Canada on constitutional issues more than anybody else, who is right now also the dean of Osgoode Hall, Professor Peter Hogg, said in his tome on constitutional law in Canada, in assessing this particular finding of the Supreme Court of Canada, "Obviously, there is now a very broad basis for the judicial review on constitutional grounds of denials of legal aid, and every province will have to examine the design, funding and staffing of its provincial legal aid plan to see if it meets the new standard."

Are we doing that here today? No, we're not. We're not doing that. We are not debating this. We are not seeing if the design, funding and staffing of the Ontario legal aid plan meets the new standards set by the Supreme Court of Canada. We're not. This government

is asking for appeals and lawsuits out the yin-yang over this because the time isn't being taken to get it right.

We may disagree on the merits of this bill—we do. I do not support this bill. Dalton McGuinty and Ontario Liberals do not support the bill, because we see it as eroding the quality of legal assistance in Ontario. We see it as potentially costing the taxpayers more because the economics of a public defender plan are never satisfactory. We see it as violating the independence of the very statute this government passed in 1998. We see it as violating the Attorney General's ability to provide some independence not only to this Parliament but within our judicial system, because the same people, the appearance might be, might be providing both prosecutors and the defence counsel so that it would look like defence won't want to bite the hand that feeds it.

So we disagree on that, but I would have thought that this Attorney General would have wanted to make sure, while he totally disagrees with me in terms of my assessment of his bill, at the very least we're going to get this one right, we're going to get this bill right, so that we meet this new standard set by the Supreme Court of Canada, particularly when the powers that the Attorney General purports to be seeking in this bill are already there. It's as if he didn't read the legal aid bill that's on the books passed by his government. It's there in the books. You can do it. And if he disagrees with a particular decision of a particular judge, a particular interpretation of that bill, he's going to do what he does every day in the courts: he will appeal it expeditiously. He will put forward his case, and the courts will resolve the matter.

The Supreme Court of Canada in the case I cited before in New Brunswick directed that the province provide legal aid at a rate and in a manner exactly the same as is happening in the province of Ontario. This can't be a suggestion that some rogue counsel and rogue bench is engaging in some rogue activities. The Supreme Court of Canada did this. Surely they're not saying, "A pox on our entire system of justice."

I would say, before I share my time with my colleagues, that it is unbelievably important that those who think this bill is about providing a mixed model understand that it's not. We have a mixed model right now on the books. Legal Aid Ontario can employ a balanced mixed model right now. That's all I hear from the other side in terms of why we need this: we need to have a mixed model so that I guess legal assistance can be provided in a flexible manner. We have it. We have it now. Read the statute. The government knows it.

This is an opportunity, a political opportunity—I understand—for the government to create new powers for the cabinet to permit the cabinet to usurp Legal Aid Ontario. I know, through the media, the Attorney General has suggested that that will be tackled, but we in this Legislature will never have an opportunity to review that. We in this Legislature in committee or in debate will never have an opportunity to consider whether the amendment is a good one. If it's such a good amendment,

why wasn't it in the bill in the first place? If the Attorney General were infallible, then he wouldn't have to be bringing these amendments. But even he wouldn't suggest for a moment that he's infallible. Rather, he would say, "Well, we've listened to a few people and we're going to make some changes." Well, that's the democratic process. That's not about delaying a bill; that's about debating a bill. That's about hearings. That this bill would come forth without any public hearings, without hearing from anybody; that this bill would come forward on a guillotine motion is—I'm speechless. I've run out of clichés. I can't believe it's happening.

We won't get to debate or review amendments and to see whether or not the independence of Legal Aid Ontario is protected. We won't get to debate and review amendments to see if the quality of legal assistance is affected and whether or not it's going to end up being overturned by the courts down the line anyway. We won't get to debate or see whether or not the economics of this makes any sense, or whether or not in fact all we're doing is driving up the costs and driving down the service to Ontarians anyway.

I say again, this bill is a partisan trump card, and we will have to agree to disagree on that. But that we in fact are not going to get the opportunity to debate, to consider, to fix, to improve, to review this bill through continued debate; that we will be denied further debate in the Legislature; that we will be denied any public hearings; that we will be denied anything more than zero to 30 minutes of consideration of critically important amendments, is an affront to our democracy, is an affront to due process. We oppose this motion in that regard and with as much vigour as I can possibly convey.

Mr Wayne Wettlaufer (Kitchener Centre): It's hardly a surprise to hear the member from St Paul's say that they're going to oppose this bill, this motion. We are debating a motion that would allow this House to proceed quickly with the consideration of the Legal Aid Services Amendment Act, 2002.

Why do we want to proceed quickly? We've long heard the cliché that justice delayed is justice denied, but what about justice denied for the disadvantaged, for the poor? If we don't proceed with this bill, that's exactly what is happening across this province: justice is being denied because lawyers have taken job action across this province.

Imagine a profession in this province taking job action because they feel that the offer of a 5% increase to legal aid panel lawyers isn't sufficient, and because they feel that an offer of a 23% increase to duty counsel is not sufficient.

Let's put this in perspective. Lawyers have never been expected to devote all of their time to legal aid cases. It's never been considered that would be their sole occupation. However, if it were their sole occupation, and if they worked a 37.5-hour week, doing nothing but legal aid, using the offer that we have on the table of \$87.93 an hour for legal aid panel lawyers and \$70.35 an hour for duty counsel, that would mean that legal aid panel

lawyers would make \$171,463 per year and duty counsel would make \$137,182. That's only if they do legal aid full-time and do nothing other than legal aid.

1600

We know that legal aid lawyers in many communities have engaged in a series of disruptive tactics. We said to them, as another sop, that people up north are really having trouble finding legal aid lawyers. If you go up north, if you travel more than 200 kilometres up north, you will then get a 10% increase on that hourly wage and a guarantee of \$800 a day. Whoops, now we're saying that if a lawyer travels 200 kilometres a day one way to a northern community and he did that a couple days a week, now we're into the couple hundred-thousand dollar figure per year. Not bad.

It's a package that will cost the province \$21 million over three years, and some lawyers feel it's not enough. But we said to the lawyers that this would be the first step in an ongoing review of the province's legal aid system. We committed to working with Legal Aid Ontario and other lawyers' groups to try to find a long-term solution. The government also made clear that the pay increase was a first step. We made it clear that it would be a first step. The Attorney General said, "Attracting and retaining lawyers who perform legal aid work is critical to ensuring that Ontario's poorest citizens have access to the high-quality legal representation they deserve."

Yes, that's what it's all about. Why did some of these lawyers react so badly? Why did, for instance, one say, and this is in the Brockville Recorder and Times, "It was obviously a decision made without logic or common sense. It's tokenism in the worst sense of the word. I would have been less offended had he offered no increase rather than throwing us a few crumbs"? Is \$171,463 a year a few crumbs?

In the Kingston Whig-Standard it was quoted, "This is an insult rather than an offer. The Premier should be hanging his head in shame. This is disgusting." Is \$171,463 disgusting?

The Ottawa Citizen: "A spit in the face." Is \$171,463 a spit in the face? I'm sorry, I don't accept that. Too many legal aid lawyers have continued with work boycotts and other destructive tactics. They point to the disparity between the legal aid tariff and market rates for their services as justification for these actions. That's justification? How much do they make in private services when legal aid pays \$171,463?

Ms Marilyn Mushinski (Scarborough Centre): Just ask Mr Bryant.

Mr Wettlaufer: Yes. Mr Bryant, the member for St Paul's, wants to speak out of both sides of his mouth. He wants to say on one side that it's not enough; on another he wants to debate this forever so that the poorest people in the province who don't have any access to legal aid will continue to not have any access to legal aid.

The current legal aid system in the province is set up in such a way that the private bar has a near monopoly on the system. The disruptions compromise the integrity of the legal process. We cannot have that in this province.

These disruptions were part of a well-planned campaign by groups who claim to represent legal aid lawyers.

Speaker, I know you heard what the president of the Criminal Lawyers' Association told members of the association, but I wonder if you would give me a little leeway to say it again, and I quote:

"We understand that some members rely on legal aid certificates. As part of our efforts to maintain pressure and display our dissatisfaction with the lack of reform, we suggest the following options to indiscriminately accepting legal aid certificates.

"(1) Critically canvassing with clients whether or not a cash retainer is a realistic option.

"(2) Discussing with clients the possibility of a payment schedule.

"(3) If it is apparent that the client cannot in any manner afford counsel, bringing Fisher application where appropriate materials for such an application will be posted on the CLA Web site beginning in September.

"If you bring the Fisher application, you have to understand that if you are unsuccessful, you must be prepared to walk away from the case."

The fourth option: "Considering whether or not you should be taking legal aid certificates at all.

"Having seen the success of our work in August, we are now focusing our collective energies on the GTA revolving court boycotts beginning March 1. This strategy is expected to result in court backlogs, media attention and continuing pressure on the Ministry of the Attorney General while allowing counsel to continue to represent clients and meet expenses."

The last thing he says is, "The purpose of the strike is to shut down the courts on the weeks indicated in the calendar. It is vital that the strike days apply to all matters, legal aid or private."

This country is based on a sound justice system and that means every citizen, regardless of means, would have access to the legal system, to justice, and this is a denial of justice to those who are ill-prepared to afford it.

I'm sure the NDP will support us on this. I can't believe the Liberals want to take a position that is directly opposed to justice for the disadvantaged.

Legal aid lawyers who are participating in an ongoing work stoppage are not serving the interests of justice. They are not protecting the rights of those in need. That's what the legal aid system exists for. It's not for the benefit of lawyers. It's for the rights of those in need.

When preparing this speech, I noticed a very appropriate quote from Hugh MacMillan and it's from a speech he made early in the last century, entitled *The Ethics of Advocacy*, and he says,

"The practice of law is more than a mere trade of business, and ... those who engage in it are the guardians of ideals and traditions to which it is right that they should from time to time rededicate themselves anew."

I want to remind opposition members, who seem to stand shoulder to shoulder with lawyers who believe that shutting down our courts is a responsible course of action, that those in need are frequently the most

vulnerable people in our province, such as women and children.

You can't be all things to all people, as the Liberals seem to think. You have to take a stand. You can't take a stand on one side of an issue one day and another side of the issue another day. You can't be like the member from Timiskaming-Cochrane. During question period today, he took one position and it was found that he had taken a position directly opposite to that several times only months ago.

It is time we all dedicated ourselves anew to ensuring that the interests of justice continue to be served in this province and in this country. To that end, our government is proposing to amend the Legal Aid Services Act. We have been debating it and we want to move forward quickly. The rights of women, children and the accused to legal representation cannot wait.

1610

We've heard the member for St Paul's, who opposes the bill, saying that there is no need to pass this bill quickly because it already allows Legal Aid Ontario to make use of staff lawyers. Well, existing legislation does not allow that. A Superior Court judge disagreed with that only two weeks ago. How is it that the member for St Paul's seems to think he knows more than a Superior Court justice?

There are almost 200 people in Brockville who presently cannot find legal aid representation—in the city of Brockville, 200 people. That's not acceptable.

In an earlier debate on this bill, the member for St Paul's stated, "It is certainly incumbent on the Attorney General of Ontario to be aware of—and I'm sure he is; I know he is—the important rights that are at stake on this particular issue." He is aware and we are aware as members of the government. I hope the members opposite recognize what is at stake too. I hope they recognize it soon and give this bill the support it deserves.

The court decision illustrates to everyone in this House why it is so important for us to move forward quickly with our consideration of this bill. I urge everyone to support it. It is necessary if the less-advantaged people of this province are to achieve justice.

The Deputy Speaker: Before we go to our next speaker, I know that members of the House would want me to recognize the presence in the government members' gallery of the Honourable Herb Gray. Welcome, Mr Gray. We're pleased to have you here, sir. I might note that you're about the only thing that could draw Jim Bradley over to that section of the House, too.

Hon Norman W. Sterling (Minister of Transportation): On a point of order, Mr Speaker: The former Deputy Prime Minister is sitting on the government side because he has been on the government side so long in the House of Commons that he really couldn't pull himself to go over to the other side of the floor.

I do want to announce that we've just appointed Mr Gray to a board so that the Liberals can no longer complain about appointments to boards from our party.

Interjection.

The Deputy Speaker: Your mike is off anyway. You got your announcement in.

The floor is now open for further debate.

Interjection.

The Deputy Speaker: It's your turn. If you want to wait, we'll go to him. It's entirely up to yourselves.

Mr Ernie Parsons (Prince Edward-Hastings): I think I'm ready, Mr Speaker.

The Deputy Speaker: Very well. The member for Prince Edward-Hastings now has the floor.

Mr Parsons: There are really two aspects to this action today that concern me and that I think should concern all the people of Ontario.

First of all, this is yet another instance where debate is being limited. Now, when I came to this Legislature, and I'm in my first term—

Mr John O'Toole (Durham): That's one too many.

Mr Parsons: —I had certain expectations. Yes; serving with some of the members, it does feel like one too many. However, I understand that they have their weaknesses, and we just have to roll with that.

I believed, as I think the people of Ontario believed, that a government is going to restrict debate when there is something of great urgency and major importance that needs to immediately be put into effect. But we've seen this government limit debate on virtually every bill of substance. We can look at previous Premiers who did it for one or two bills in their entire term. Every bill now of any significance is put through by the government on time allocation, and when they do time allocation, it isn't Ernie Parsons's voice they are stilling, or Jim Bradley's or Caroline Di Cocco's. It is the people of Ontario who have come to us with their concerns. It is their voices being excluded from the debate.

No government possesses all wisdom. This government seems to believe that when they have put together a bill it is absolutely perfect. However, time and experience have shown me that we re-do and re-do bills, and we do a new bill to try to correct the last bill. Why not do it right the first time? There's an expression I like that says, "Never time to do it right, always time to do it over." The people of Ontario deserve input into something as significant as this bill, and yet once again I am saddened to see it limited. If it is a good bill it will withstand public scrutiny. Public consultations, if it's a good bill, would affirm the wisdom of it, but if it's not a good bill let's change it now.

The question that begs to be asked on this and all of the other bills is, what are you afraid of? Why are you afraid to have debate? Why are you afraid to have the public comment on a piece of legislation?

When we consider the price that has been paid for freedom, the price that has been paid by so many young people in the wars to ensure that we have democracy, and then to override what is in a very real sense almost a dictatorship—this is the solution, we know what's good for you and if it's not, well, it's too bad. So I'm saddened yet again. Whether a bill is good or bad, Dalton McGuinty and the Ontario Liberals will vote against it

because we believe bills should be subject to considerably more public scrutiny than this government is prepared to do.

The bill itself has again come into existence without consultation even prior to that with the group that is highly affected by it, and by "highly affected," I'm going to say the lawyers in Ontario who do legal aid work, though the group that is most affected are the clients and potential clients of these lawyers and of the justice system. Certainly recognize that one of the gravest injustices that we could ever do in this province or in this country is to lock someone up unfairly. There have been horrendous cases of people who have been convicted of offences and subsequently, not after a week or a month in jail but sometimes after years, 15 to 20 years in jail, we learn that in fact there had been a miscarriage of justice and they were not guilty. We're not on this earth very long. To have someone lose 15, 20 or 25 years of their life in a jail cell is unthinkable to me. We need justice. There need to be consequences for wrongdoings, but we need to have justice.

This government with this bill, like so many other of its bills, looks to the south for their examples of legislation to model. Yet programs such as 60 Minutes, which I find fascinating, share with us over and over how there has been a miscarriage of justice and how there is different justice for the well-to-do and for those who do not have money. In the US we see significant amounts of cases that have been subsequently overturned years later. We see the courts becoming justice mills that simply take people on a formula and put them through.

We need to learn from their lesson and say here in Ontario, as far as the performance of lawyers go who have been serving legal aid clients, it has been superb. That hasn't been the problem. The problem isn't that the justice system is not working. The problem is this government doesn't want to fairly fund the justice system. We see every bit of momentum from this government moving toward giving tax cuts to big, successful industry. I would suggest big, successful industry wants a fair justice system for them and their employees and for the province. It's ironic in many cases that big industry is a better corporate citizen than this government is toward the people in Ontario. We need a justice system that will be fair.

Certain things cost money. I don't know of anyone who has ever said to me that we want the cheapest police force that we can have, we want the cheapest fire department, we want the cheapest hospital system and we want the cheapest legal system. No, that isn't the pressure. In Ontario, our strength has been that we had a superb education system. This government is currently dismantling it and shifting toward the private sector. We had a superb health care system. We're seeing privatization taking place within the health care system, and yet the US health care system costs about twice as much per patient as ours. We're seeing efforts on every front from this government to privatize or produce the cheapest, where the goal should be the best.

1620

Much of the experience my wife and I have had in the justice system has been as foster parents. We're called upon from time to time to testify in court when there is a case where the children's aid believes that the children should not go back to their parents. It is absolutely vital that we have a justice system that works even for custody as opposed to a criminal matter.

In custody cases, we're dealing with children who have been removed from their parents. That is not a natural action. In the cases we've worked with, it's justified. But there is tremendous onus on the part of the government to prove it was justified, and I believe there is an equal onus upon the government to provide the best legal defence that it can to the parents. We have to have a justice system that ensures that whether you're a multi-millionaire or whether you're living on ODSP on \$708 a month—by the way, you should be ashamed that there are people living on \$708 month—you are entitled to the same quality of legal defence as a multi-millionaire.

If we take this bill and we look at the US model, we see grossly overworked lawyers retained as public defenders whose object is to keep the justice system flowing. We know that if justice is denied, in fact it's not justice. We've had many instances in the last few years, even in this province, where judges have dismissed charges because the accused has not had an opportunity to have a trial and a court hearing in time. Very clearly, the system itself suffered from the situation that the government was not prepared to fund justice. It wasn't that they were going to deny it, but they wouldn't fund it.

Suddenly, as with so many other things, out of the blue comes this announcement. They've been meeting on a regular basis with lawyers to determine a fair compensation for it. I would even go so far as to say that in many respects they've misled the lawyers they are negotiating with, because as they were sitting at the table discussing, the government representatives already knew they were going to spring this surprise on them. If it is a good surprise, if it is a system that will work, then do some public hearings on it. Let people talk. Give them an opportunity to share with you, give the committee an opportunity to look at how this model has worked in other places.

It was once told to me that a definition of "stupidity" is doing the same thing over and over and expecting a different conclusion each time. The public defender system has not worked well in the US. There isn't a real need for you people to make your own mistakes, there really isn't. As an opposition member, I appreciate the number that you do make. Question period could be three hours to run through it, and we still wouldn't get to all the things you've done. As a government you have been absolutely wonderful for creating issues, but I wish you wouldn't do it. I wish you would say, "We're going to do it right the first time. We're going to recognize that we're not necessarily the experts on it, but there are experts."

I can recall a day when former Premier Harris was here—there weren't a lot of days, but I do remember

when he was here one day—and he made a comment, "I'm not interested in what teachers have to say about education." That astounded me, because I'm interested in what doctors have to say about medicine, I'm interested in what lawyers have to say about law, and I'm interested in what teachers have to say about education.

These are people who haven't just taken a job. Someone didn't become a lawyer by just saying, "I've got nothing to do today, I think I'll put a sign out front." Lawyers made a decision to commit their lives to a particular cause. I suspect there are very few lawyers who are simply in the business for money. Lawyers are in the business because they believe in the justice system and they believe in providing justice to each and every citizen in Ontario. The manner in which you're doing time allocation on this bill, the manner in which you suddenly announced it to the media without any consultation says to me that you're not interested in what they have to say, and I think that's a shame. It's a shame not just for the treatment of the lawyers, but the lawyers could without a doubt bring forward hundreds of examples of cases where the system has worked.

The people who have come into my office and into your offices over the last few years talking about legal aid haven't talked about bad lawyers. I've not had one talk to me about a bad lawyer. They've come and said they can't access a lawyer. They can't find a lawyer who will take the legal aid document to allow them to have a defence.

How can you sleep nights knowing that we have citizens of this province who have become victims of your justice system because they can't access a lawyer?

The numbers that you pay the lawyers have not changed in I forget how many years, but it's a significant number of years since you gave any increases to them. You've looked after your own staff very well. The last raise was in 1987. You've just given them a 5% raise. That's a 5% raise over 15 years, so that's about 0.3% a year. Inflation alone has gobbled that up. I would suggest that maybe you could look at lawyers and at people who are on the Ontario disability support program and say, "You know, the percentage raise that we did for the Premier's staff—

Mr Rick Bartolucci (Sudbury): That's not even worth a steak at Bigliardi's.

Mr Parsons: Yes, that's not even a steak. Just take a break from the steaks. Cancel one of your steak dinners one evening and take some of that money and devote it toward this.

It isn't that you people are opposed to spending money. You're opposed to spending money on those people who need it. It is a selfish—

Ms Mushinski: That is total rubbish.

Mr Parsons: That is not totally false. We have Ontario disability support people who live in this province on \$708 a month. If you think they get too much money, you take the \$930 a month and rent an apartment and live in Toronto.

This government does not want to spend money on most of the citizens of Ontario; they want to spend it on

those with high income, on their friends. I have no qualms whatsoever in saying that.

This is a deal to deny justice to many people in Ontario and to funnel the money somewhere else. There's no doubt in my mind that the money saved here will show up somewhere else.

Mr Bartolucci: It's a steak solution.

Mr Parsons: Yes, it is a steak solution. "Let them eat steak," was not an expression that you intended to apply to the vast majority of people in Ontario.

There are people in this province who are hungry. There are people in this province who do not have shelter. There are people in this province who truly hurt. When they become part of this justice system, you're saying, "What is the cheapest, lowest level of service we can provide to them?" You should not sleep nights if you think that there's one person in this province unfairly in prison because of your goal of trying to save some dollars in the justice system.

People have gone to war and there have been riots and rebellions in countries where the justice system was perceived as not working. You're down that slippery slope of saying, "We're not interested in justice for the poor." We've been concerned and have known for some time about a two-tier health care system. Now we're talking about two-tier legal defence.

If your system is good, if your system will work, why are you ashamed to deal with the public with it? Why did you feel it necessary to slip it in? Why did you not spend some time and talk to the lawyers involved in this and say, "Give us some advice"? Why did you not look to the US and say, "What are you doing down there and how does it work?" Because you didn't want the answer. You had already decided what you were going to spend, and you needed a system to do it.

The object is to get a justice system, not to get the cheapest thing. Once again, the poor people in Ontario are not being served by your government. I have to say that you don't care, and you should care if anyone whatsoever is at risk.

The penalties you put into place in your form of justice are horrendous. If someone cheats on welfare—and we do not condone that—they're penalized for the rest of their life because they took money that wasn't theirs. On the other side, if you used public money that you weren't supposed to use, well, pay it back. If I see a citizen in my community who robs—and wrongfully so—a bank, can they simply stop and give it back?

Ms Mushinski: Just like Greg Sorbara.

Mr Parsons: Don't give me any moral high tones. You have used the poor as a whipping object in this province since you were elected, because it takes the heat and attention off what you were doing yourselves.

I urge the government to take this bill, do public consultations all across Ontario and allow the people in Ontario to comment on it, allow some of the experts to comment on it. To ram it through this House is wrong.

Interjections.

The Deputy Speaker: If we could get just a little more order before we move on, that would be most helpful.

1630

Mr O'Toole: It's my pleasure to speak on this time allocation motion and on Bill 181 which, by the way, was introduced on September 30 by our Attorney General, the Honourable David Young.

Now, the Liberals on the other side have been talking about this very difficult bill on which they want to comment broadly. I want to put on the record some of the history and the motive in terms of what the Attorney General attempts to achieve here.

There has been debate on this for many years. In fact, I am looking back at the Hansard, the official debate on this bill. We've had a number of hours. This time allocation motion is to bring some conclusion to this important debate. All members have stood in their place on each side of the House to try to bring some semblance of order to it, but in the debate exchanged on Tuesday, the 15th, about a week ago, Mr Kormos, the critic for the NDP—who, I might add, is a lawyer and probably has his own interest in making sure that we put more money in the coffers here. In the process of the debate on Bill 181 at the time—I'm going to put on the record some of the comments that were made by the Attorney General, but also, more importantly, by the speaker at the time. I'm quoting from page 2096 in the Hansard of that date, and this was Mr Kormos speaking, the NDP member. He said:

"Let's understand one thing very clearly: the lawyers have now laid down the olive branch. This morning's news reported ... Mr Steinberg, the president of the Criminal Lawyers' Association, calling upon ... members"—now this is most important, for the few members who are still here to participate—"to discontinue any purported boycott of legal aid certificates." In other words, it's clearly on the record by Mr Kormos that there was a boycott of taking legal aid certificates. That boycott was part of a kind of work-to-rule situation in the province. It was justice being denied to those very vulnerable people who each of us would like to see have access to the justice system.

This is Mr Young's response. I think it is a very good commentary. It's worth putting back into the record and it saves me writing another speech, because I have spoken on this. I'm reading Mr Young's response to Mr Kormos on page 2096. This is the Honourable David Young, Attorney General and minister responsible for native affairs: "I certainly appreciate having an opportunity to respond to the member who spoke immediately prior. The only difficulty I have is that I have but two minutes to respond to what was an hour of some rather interesting comments—some might call it ranting." Well that's possibly true.

"The difficulty I have at the outset is that the last speech came from a member of the New Democratic Party who has been a member of this Legislative Assembly for some considerable time and indeed was a member

of the government from 1990 to 1995....” We refer to it as the lost decade, although that’s half a decade. The other half was occupied by the Liberals.

“The difficulty I have in understanding his position, and that I’m sure the members opposite in the Liberal ranks and those who are Conservatives and indeed the many New Democrats who choose to be here this evening have, is that when the New Democrats were in office, they chose not to increase the tariff,” not one cent. That’s five years with no action. They had plenty of time. The issue, of course was being debated from 1985 to 1995 and continues today. When they want to go for public hearings, that’s all about delaying debate; that’s all about delaying legislation. They are crying wolf on the other side and I call that pure chicanery.

“Indeed,” he says, the NDP “applied the social contract, which for all practical purposes clawed back 5% from those lawyers doing work for individuals across the province who couldn’t otherwise afford lawyers.”

So the debate has been long and arduous, I might say. So I am puzzled, as I heard him go on about how more money was the answer. I know the Liberals said the same thing when they spoke: more money for defence counsels. Over and over again, tax and spend. Clearly, when you hear the Liberals, whether it’s the member from Prince Edward-Hastings or any of the members of the Liberal side, they are back to their same moniker: they are going to solve every problem by spending money. The only way they get that money is—and the people viewing understand this—they have to tax. That’s the part of the message they don’t communicate. But the people have to learn, and history is a great teacher, that the Liberals moniker—always remember this, and you see it in Ottawa all the time, where they are spending it on golf courses and a lot of things perhaps that don’t belong—is they tax and spend. Shawinigate is probably a case in point.

So I put this on the record. It’s an important response by the Attorney General, who’s accounted for the Liberals and NDP in the last decade—the lost decade, actually: there was not one cent of increase to the tariffs.

This rather onerous bill, and I’m going to show—it’s a good pictogram here. By the way, it’s bilingual, so it’s really half a page. I mean, I can read it; in fact, I probably will. I have time here to do it. In the purpose clause here, it says, “Contracting out is added to the range of methods by which Legal Aid Ontario is authorized to provide legal aid services”—so the ability to engage more lawyers who want the work as public defenders and to have full-time staff.

The whole point is, this is not new; this is not rocket science. Our Attorney General has looked at best practices—

Interjection.

Mr O’Toole: If people want a copy, I could fax it to you, because it’s really quite small. All it’s doing is amending Legal Aid Ontario, authorized under clause 14(1)(a.1). I could probably read that too, but I don’t have the original bill with me.

Access to justice is what this is about. Justice delayed is justice denied. We’ve all heard that. The provincial government has the responsibility to provide high-quality legal aid advice is available to people in need. We’re talking about people who have to have representation. Despite the lack of tariff increases by the previous government that I’ve mentioned before, we have increased the tariff. It’s my understanding that we are the highest in Canada; \$88 is my understanding. We could do the numbers. I gather if you work, 2080 hours—40 hours a week for 52 weeks is 2,080 hours, roughly. You do the numbers. They make more than the Attorney General, who makes about \$110,000, all taxable, of course. There’s no tax exemption, as the federal government has.

Mr James J. Bradley (St Catharines): And the municipalities.

Mr O’Toole: And the municipalities as well. They have one third tax-free, which never really gets accounted for.

Mr Speaker, as you are no doubt aware, during the speech made by the member from Nipissing, “... under a staff system, a legal aid plan directly employs lawyers to provide legal aid services. Newfoundland and Labrador, Prince Edward Island, Nova Scotia and Saskatchewan have adopted this approach....”

“In staff systems, the private bar may still be used when circumstances warrant—for example, if there are conflicts of interest or staff lawyers are simply unavailable....”

The point here is that there are other jurisdictions that use this system. It’s tried and true. It doesn’t deny people access to the judiciary, as is happening, as I recounted here, in the boycott. So in this time allocation motion, in the very little time that I have left—other members perhaps want to get on the record; I know the member from Bramalea-Gore-Malton-Springdale offered his opinions today, and I did listen to some extent with these.

“Legal aid provides for a range of civil and criminal cases, including criminal charges involving an indictable offence, family cases, youth protection, young offenders and income security matters. Staff lawyers provide duty counsel representation at all criminal, administrative and family court locations across the province....”

“Only summary legal assistance is provided through duty counsel representation.... If the Legal Aid Services Amendment Act is passed”—we hope it will be—“Legal Aid Ontario would be taking advantage of the” strengths offered by “both staff and fee-for-service lawyers to provide effective” and timely “legal aid services” when and where we need it.

1640

I want to stop for a moment there and think of the \$88 an hour, and I think of the people they’re serving. If they knew that it wasn’t free, that they’re actually being paid—whether it’s enough is a debate that can and will and should be had—they’d be surprised that they were getting that much. In fact, if you went out to the public and asked, “Should lawyers be paid more?”—I’ve heard

many jokes about how many lawyers are at the bottom of the ocean or whatever. But I'm not trying to bad-mouth lawyers. They're not held in very high regard. I withdraw that, and to justify and legitimize that I'm not somehow—my oldest boy, Erin, whom I'm very proud of and I've spoken of here in the House many times—actually most speeches—is in his final year at law school at Dalhousie. He's actually finished and he's going to be articling with a very prestigious firm here in Toronto. I know that most lawyers, as professionals—and I would say “all” without too broad a generalization—are committed to representing the concerns and priorities of their clients. That is not a question.

As a profession regulated by the law society, in the public's mind they are still viewed somewhat suspiciously as being, as some would say, adequately financed. Whether or not a legal aid lawyer, someone doing this duty counsel work, should be paid the same as some corporate lawyer—they can enter the marketplace. They still have that right, to do mixed business. Then there's the argument whether or not they should be doing more pro bono work. I believe many large firms—and it's significant. We see the big names taking on these hard-to-solve cases many times and often it's pro bono work.

I know our Attorney General has tried to work with the profession, the Criminal Lawyers' Association and others, to find the right balance. What we're trying to find here is access to justice. We don't need boycotts by people where this is not their only source of income. If they're in a group practice, some of the overhead—costs of staff, receptionists—is often borne by the other partners in the firm who are doing fee-for-service work.

When I look at the broader issues before this government, the funding review of education, the onerous demands on Minister Clement for increased drugs and other things in health care, our priorities are clearly on the side of the people. Health care is number one, and close beside it, if you will, would be education, and beside that is a clean, sustainable environment—not to speak of, in the very limited time, the whole challenge of having market-priced energy.

On a list of one to 10, the Liberals and the NDP clearly want to spend more time—in fact, wasting taxpayers' money—talking on an issue that's been talked about for 15 years. What's different about our Attorney General? He's actually doing something about it. That will not preclude access to legal aid certificates, but the public defender's role will assure the people of Ontario that they have access to justice.

In conclusion, any disparaging remarks I may have said about lawyers—I withdraw them all. I've never had occasion to really use one. I know the Honourable Norm Sterling, Minister of Transportation, is here. He's not only a lawyer; he's an engineer. He can actually invent the problem and then solve it, possibly. But he's here now as a legislator. I know his heart is in his work and he puts people first.

The members on this side want to get on and have access to justice. I encourage the opposition to drop their

filibustering, support this bill today, and let's pass it and move on.

Mr Bradley: The people of Ontario should know that whenever there's a debate which is not a snappy one-two-three debate in this Legislature, members of the government are given notes from the north wing—the luxurious new north wing, by the way, where the Conservative research is located—to read into the record about how somehow any kind of significant debate on a piece of legislation is being disruptive.

This is a government that doesn't sit half the year. This is a government that, when it does sit, wants to sit day and night, and then the government complains and starts ramming through time allocation motions. Part of the argument on all of these time allocation motions revolves around the issue of, shall we say, democracy, if we look at it in the large context.

I want to note as well that I always wonder what the impact will be of something like this on the fundraisers the Conservatives hold, because when you look down the list of contributors to Conservative parties over the years, you can see a large number of members of the legal profession have donated to the Conservative Party. At first I thought this was a very unwise thing to be doing, to provoke them this way, but a wise sage said to me, “You have to realize that perhaps that is the opposite in some circumstances”—

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): That's redundant.

Mr Bradley: Yes, that's a little emphasis, I'll say that to the member—that in fact, of course, this can bring more lawyers to the Tory fundraisers. I never thought of that, but it always helps to have a wise sage in the House, and that's for emphasis when I say that a wise sage points those things out.

Yes, instead of a time allocation motion, I'd like to be talking about significant issues to all of us in the House, whether it's you in Hamilton, myself in St Catharines and Niagara, or members from anywhere in the province.

We have, as so many areas of the province have now, for instance, an acute doctor shortage. Every time a doctor retires and there are hundreds or perhaps thousands of people who go out into the market looking for a doctor, they find out that there are not signs around their city saying, “Please come to my office; I'm prepared to take on new patients.” So it is an absolute crisis for many people. It's bad enough for people who have resided in a community for a large number of years. They have a lot of friends and neighbours and relatives and so on whom they can ask, “Do you have a doctor? Do you think your doctor might take on another patient?” It's particularly difficult for new people coming to a community or people who don't have a wide social circle to go out and try to find a doctor. It's just a critical situation for family physicians or general practitioners in St Catharines and in Niagara, and other specialties as well. So I would have thought if we had a piece of legislation before us today to discuss on that matter, it would have been much superior to dealing with a time allocation motion.

If we were dealing with the Kyoto accord, for instance, and the provisions that are going to be required—and one of the members who was speaking today is up from time to time in the House talking about the Kyoto accord. I often have to look over to see if it's Ralph Klein speaking, but it is not; it is my friend Raminder Gill who is speaking instead. But they'll get a chance to see Ralph a little later on in the week standing side by side with our Premier, I hope, not getting his marching orders on the issue of climate change and air quality.

We could be talking about the new rules for Visudyne. Those of us in the opposition who fought to have Visudyne covered finally, at long last, as a treatment for macular degeneration now find that the rules are being written very narrowly to exclude a number of people and to again force people to go into their pockets.

Mr Bartolucci: Highway 69.

Mr Bradley: The member for Sudbury mentions Highway 69. If you have travelled up north, Mr Speaker, you know what a very dangerous highway that is in terms of passing lanes, which are very few, in terms of the construction of the highway and the needs there.

We could be talking about the Ontario disability support program, where so many people are struggling to get through the bureaucratic maze simply to be covered by the ODSP. It's a lot easier to get money, apparently, if you're a professional sports franchise. You can get \$10 million with a snap of the fingers and have half the cabinet say, "I didn't know anything about it," and the other half say, "The devil made us do it," or it was Mike Harris or somebody else. But people who are trying to secure a basic living through ODSP have to fight for months upon months and marshal as much evidence as possible. We could talk about that.

We could talk about the Niagara Grape and Wine Festival. You'll see my tie today, because the Ontario Grape Growers' Marketing Board is here at the Legislature with some of their product. I have a grape tie on. I have a great attachment to the term "Niagara Grape and Wine Festival." We have somewhat of a controversy going on in the Niagara region over whether it should be called the Niagara wine festival, which I understand has prevailed. Nevertheless, I do mention that's an important thing, the support for grape growers, to ensure that we can have an agricultural preserve in the Niagara Peninsula that preserves farmers, not simply the land but the farmers, because those two go hand in hand.

I would like to be talking about the huge increases that you're getting calls about at your office, and I am, in electricity costs in this province going through the roof. I've never seen the number of calls that I've received in this particular regard, or people calling about the increase in natural gas costs to them. Insurance rates are going up, water rates are going up; in other words, very basic needs that they have to meet out of their daily paycheque, if they have one, especially if it's modest or a fixed type of income. Those are the kinds of issues they wish we could talk about, instead of time allocation motions or motions which are here to close off the debate.

We could be talking about what we have petitioned in this House on many occasions; that is, senior citizens and the vastly increased costs of accommodation for the most frail and elderly senior citizens in our province, in our nursing homes, and the lack of adequate care available because of inadequate funding from this government while they have \$10 million for each of the sports teams which are professional in nature.

There are a number of issues, in other words, which we could be canvassing at this time instead of a time allocation motion.

1650

The bill itself is a controversial bill. What's quite frightening to watch, although not surprising, is the government attempting to demonize a particular profession, in this case the lawyers. Are they among the most popular people in the world when you talk to the general public? Probably not. They perform an essential role in society. But to listen to governments get up here and take runs at them gleefully, they obviously have politically calculated, "Here's another group we can put the boots to and get some votes by putting the boots to them." This is a complicated issue in this bill. I don't deny that. Seldom are there bills that don't have some level of complication. But I look at the bill and I'm extremely concerned that we're liable to create a two-tier system of justice in the province. I hope that doesn't happen.

I thought there could have been a better exploration by the Attorney General of a solution to what is called the certificate program. This should have been foremost as a policy goal before anything else happened. I don't want to see a plea bargain factory being set up there, where low-income people are represented by poorly prepared lawyers with huge caseloads. We know that in many jurisdictions in the United States, rich people never go to the gallows because they have the lawyers to ensure that they don't, where there is a very large number of people who are low-income, without means, who end up having to be on death row.

One of the notes I have here that I thought was particularly significant emerging from all of this said, "Most importantly, the government's legislation is dangerously limited on detail." We're often concerned about that. There is no mention of funding, of how many lawyers they would consider hiring or how they would determine if that number is the right one, at what salary they would be hired, of whether this would be a less expensive method than paying a higher tariff rate, and whether or not this would be an improved way to provide access to justice for low-income Ontarians in need of legal representation. I think these issues have to be canvassed.

At the end, the government will prevail. But with the appropriate modifications to this legislation and putting aside the lawyer-bashing rhetoric that we've heard in this House, I think we'd do far more than we would with the legislation as it is now. I'll leave my remarks at that, because I think there is an opportunity for a peaceful resolution of this, one which will help the public who require services in the legal department.

Mr Michael Prue (Beaches-East York): I had delayed on purpose starting my speech until now. I was hoping my colleague Mr Bisson would arrive. He did want to split the time with me. Unfortunately, he has not arrived, so I'm going to deliver two speeches, and I know for the edification of all those members opposite.

Interjection.

Mr Prue: I'm going to try. I'm going to hang tough.

We have here a very small bill in terms of the number of pages—two—and in terms of the number of words—a couple of hundred—that has been translated into French. It is a bill that members opposite would purport to say has maybe small ramifications, does not need public debate, and in fact should just be simply and merrily allowed to proceed through without having much public input or much input, really, from the legal profession.

I beg to differ, with the greatest of respect. I am old enough to remember a time in this province when there was no legal aid. I am old enough to remember when people who were poor did not have an opportunity to have a lawyer to defend them in a variety of criminal and civil jurisdictions. I am old enough to remember when those people went to jail, and I'm old enough to remember that a great many of the people who were tried and convicted who did not have representation, or proper representation, which legal aid provided to them, came from immigrant groups, came from our native population, came from places like Regent Park and Jane-Finch. All this has happened in my lifetime. All of the changes that took place by a then Tory government to beef up and to allow for legal aid so people could be properly represented happened only some 30 or 40 years ago. It is not a long time ago in the history of this province or of this country that such a system was put in place.

It was a good system because it allowed people of modest income, of modest means, of modest education and modest abilities to have an opportunity to defend themselves when they were required to go to court. A great many people find going to court to be a very unsettling experience. I would say that many people in the general public who have been called to jury duty for the first time are afraid of the fact that they are going to have to sit there on a jury, sometimes for days or weeks, and make a decision on another individual. They are simply unprepared for the duty that is required of citizens.

I would invite you to think of people who are called for the first time to give evidence in court, when their memory may not be as good as it should be to give that evidence, sometimes six months or a year or two years after the alleged event. They come to court and a good lawyer will be able to run mincemeat around them because they're not sure of how to act or what to say. All of this happens with ordinary citizens and it happens, too, with the accused. It happens to people who are being sued; it happens to people with family or immigration problems. They require the expertise of a person who has been properly trained in law, and they require the best person they can possibly get.

We also see that people in days gone by would spend money to defend themselves, sometimes to the point of bankruptcy, sometimes to the point of trying to clear their name when they lost their homes, when they lost their businesses, when they lost everything that was near and dear to them. We saw that happen because there was no system by which people, once involved in the criminal or civil process, could avail themselves of someone who was legally trained without going into hock to do it.

All of that happened in a system of Tory Ontario, which I thought in those days was a really remarkable step. It was a step to allow ordinary people to have an opportunity to be equal to or on a par with others in court. You could have someone who would advocate on your behalf, who knew what the law said, who knew properly how to say it.

Legal aid was one of the great equalizers of this province. It was on a similar par to education. It was on a similar par to medicare and to other great strides that were made in this country and in this province in the 1950s, the 1960s and the 1970s. It was a great equalizer, because for the first time those who were of modest income would have an opportunity to have equality before the law with those who had a lot more money. It would also provide for those people who had limited or no incomes, limited or no assets, an opportunity to properly defend themselves when they needed that defence.

Legal aid gave an opportunity for the first time for a person to have a good lawyer of their choice. Remember, this isn't just somebody who is a public defender who was given to you at the last minute. This was an opportunity for an individual to go out and canvass the law society, open up a telephone book and make the phone calls to find a lawyer who specialized in the type of law and in the type of case in which they were involved. It is no good sometimes to go to a generalist; I have to tell everyone that. If the generalist be a generalist as a doctor, you may need a surgeon; you may need an ear, nose and throat specialist. Many, many people specialize.

1700

This is an opportunity for an ordinary citizen to get a good lawyer of their choice who specializes in a particular branch of law which is important to them and upon which they are going to be tried or upon which they are going to give evidence. It is an opportunity for them to present the very best case possible. It is an opportunity to tell their side of the story so that no stone is unturned.

Many people, although they may believe that they are innocent or that their actions were justified, do not know how to express all the nuances of the Criminal Code, the Immigration Act, the welfare legislation or any of the hundreds of acts and statutes of Canada and the province of Ontario for which a lawyer could quite easily open the book and understand the nuances and lacunas in the law, understand the jurisdictions of the court, understand the time frames by which actions might be done. That is why people have to have the opportunity to present their best case. They have to have the opportunity to have a lawyer

who is dedicated to their case and who is not harried with 100 other cases that a public defender might have on any given day in the courts.

For the members opposite who are trying to say that this bill need not go to committee for more than one day, I invite you on any given day to go down to old city hall in Toronto, to what is called the people's court, where people come and a public defender is there to advise the people of their rights, whether to get a certificate, whether to plead guilty, and you will see that the docket is long. The docket grows every day. There are literally scores, if not hundreds, of people who come to the public defender looking for advice. The most time that public defender will have on any given day, should a matter go to trial, is a few minutes. They may hold them down and deal with them in the afternoon, and I grant that, so they can have a chance to talk to them for half an hour before the case actually proceeds. But I want to tell you that a public defender cannot do justice the way a legal aid lawyer who is properly trained can, who has been paid the adequate amount of money, who has sat down with the client sometimes for a day, sometimes for a week in a particularly contentious or horrendous case, to go through the facts and do the research that is necessary to do a proper case.

The members opposite talked about lawyers and how much money they're going to make on legal aid, but I never once heard them talk about the expenses that lawyers have in conducting a case. Yes, it's true that at \$88 an hour for 37 hours a week, a lawyer might make \$150,000 or whatever number was bandied about. But almost every lawyer requires an office, unless he works out of his or her home. You cannot have an office in any major city that does not cost you \$1,000 or more a month. You cannot have an office in which there is no electricity, no telephone, no fax machine, no computers; all of those things are generally paid.

Mr Wettlaufer: I can't believe you're opposing this.

Mr Prue: I'm not opposing anything. Listen me out. When I've finished the whole 50 minutes, I expect you will stand in your seat and applaud me. I am just reminding the members opposite that to say they make \$150,000, or will make it given this, is not correct.

Lawyers will have to pay their staffs. Almost every law office, considering even the smallest law office, has at least one and sometimes two assistants who must be paid from this money as well. The actual amount of money that a lawyer would take home after the office expenses, the cost of the office itself, the electricity, the fax machines, the money they have to pay into the bar for their membership each and every year, travel expenses and their staff expenses certainly, absolutely, will not be \$150,000; they would be lucky to see half of that. That's still not a bad salary. I would concede to you that still is not a bad salary.

The fact of the matter, and others have alluded to it as well, is that lawyers have not had a raise in some 15 years. They are being expected to take a 5% raise; and I agree with the members opposite that this may be a good

first step. But this is a massive change that you are asking a society which is as old as St Thomas More, the Law Society of England—it is an old and dedicated society which has, over many, many years, produced people of tremendous stature in this province. The stature that they have had, the stature they have given to all of us, what they have tried to do in building this Ontario, should not be lightly taken in vain and should obviously not be the butt of jokes. They need to have input. What is being suggested is a massive change. I would suggest that there should be a similarly massive input. It is not good enough—and this is why I am standing up here today—to say that you are going to change a system which has worked for centuries, a system that has been legal-aid-funded for probably close to 40 years. You cannot change the system overnight, and all of the tens of thousands of people who are employed in that system, without consultation. A one-day consultation with the affected groups, quite simply, is not sufficient. There are many groups that will need to be consulted, and I do not believe that all of them in the breadth and length of this province can be accommodated in one day.

As I listened to what is called the guillotine debate and heard the reference to Madame Lafarge, I was reminded that she did not pull the guillotine; she simply knitted as she watched the heads being lopped off. I don't know if the member opposite was trying to say that he will simply sit there and knit while the heads are being lopped off by someone else. Quite frankly, at 4 o'clock on the day of the committee meeting those heads will be lopped off, whether someone is knitting, watching or in another room, because what will happen at 4 o'clock is that all of the amendments and all of those things that are suggested that day will in all likelihood be defeated, and therefore the one day of committee hearings for people to travel from the length and breadth of this province to attend here today will, in all likelihood, be for naught.

If this bill is passed in its present condition, is Ontario going to end? I doubt it. But is it going to be better for having passed this bill? I also doubt in the same vein. What is going to happen is, in all likelihood, there will become a system which in the legal circles is known as dump trucking—that is, that people will be invited, when they go into court with a harried public defender with enormous amounts of things that have to be done on any given day, to try to strike a plea; that is plea bargaining. They will be asked quite simply to plead guilty with an explanation, get a reduced sentence, a reduced fine and go out the door. They will not be entitled to the full public hearing of their transgression, or alleged transgression, or the circumstances surrounding it, that only a trial can give.

We pride ourselves in this country on many things. Democracy, this Legislature, is one of the things of pride that people come to watch, but another equally important thing is our judiciary. From time to time it may make mistakes, but the judiciary is one of those wonderful things in this country that all Canadians are proud of. We are proud that we can have our day in court, that an

independent arbiter will listen to us, that we can make our case, that we can be properly represented and that justice can be seen and justice can be done. To take away even a small portion to allow for continuing plea bargains when a person obviously may have to take that as opposed to a full explanation and a finding of not guilty is to demean the cause itself; it is to demean us all as Canadians.

There is a second problem, and that is the control of the allocation of resources. Legal Aid Ontario has told members of this Legislature that they believe this is an attempt to stop them from doing community organizing around a number of legal and legal aid issues, community organizing about such things as tenants' rights in a place like Toronto, community organizing in some of the native communities around harassment, community organizing, as we have seen here in the last day or two in Toronto, about racial profiling. These Legal Aid Ontario clinics, these people who work in the communities are very worried about that government hammer that might be used. They ordinarily, I suppose, probably wouldn't be worried, because lawyers have not had a great deal to be worried about in this province for 40 years, but others have seen what has happened in this last number of years. First it was the teachers, then it was the doctors, then it was the unions, then it was the nurses, then it was the professors and then it was the municipalities. Pardon me, but I believe that many of them think their turn is about to come and, pardon me, I understand why they may be nervous.

1710

You also see that the money for contracting out—a third point—comes from the existing Legal Aid Ontario budget. That is contained within this bill. It means that Legal Aid Ontario, which gives the money right now to the existing lawyers who take the legal aid monies—those monies will be taken from that and given to a third group. There is not sufficient money, with the greatest of respect, to handle the hundreds of cases the members opposite spoke about, and therefore there is some very real concern that members want to come in and talk about as to the apportioning of those monies and whether there is sufficient to handle the hundreds and hundreds of cases that are out there waiting.

The fourth thing that potentially is wrong and should be explored, and lawyers and people in the community who are much better trained at this than me would like to come and talk about, is that the poor will be unable to access specialists, or perhaps anyone, to represent them. As I said and alluded to earlier, law has become increasingly specialized in this province, just as everything else has. You know, a decade ago one would not have thought that all of us would have had computers in our homes. A decade ago we would not have known about the wonders of modern medicine and all the new medicine and the drugs and the procedures that are taking place in Ontario now and that constantly must be assessed by the government to see which ones are added or subtracted from the list. Law is no exception.

The law, as we understand it, based on common law, goes back centuries, right back to the Magna Carta, even before that, in England. It's not a codified law like Napoleonic law. It is a law that doesn't have codices or an index. It is a law that is developed on court cases. Every court case potentially could develop new procedures and new regulations for the judge to follow or new precedents that have to be taken into account. Quite frankly, the computer has helped enormously in this for many lawyers, but the real fact of the matter is that there are hundreds if not thousands of legal cases that go reported and unreported every day in this province. There are literally tens of thousands in this country, and there are probably hundreds of thousands or maybe millions worldwide in those systems that follow British law. All of those things would require people to become specialized. In fact, that is why many lawyers become specialized, some going into industrial disputes, some going into medical, some going into immigration law, some going into family law or youth defence. It is important that we recognize those specialties, and it is important that we be willing to pay for those specialties over and above a generalist when somebody is in need of those lawyers.

The fifth and last reason that I think we have to be mindful that this bill contains or potentially contains flaws that people will want to come to speak about is that the expediency factor will go up. It will be expeditious to contract out and give some lawyers who are not part of the system some extra money or bring in a public defender. The costs in fact may go down; I'm not saying they won't. They may go down, because in places where they've done this—and I'll get to this later—in some places they've gone up and in some they've gone down. But what is absolutely for sure is that the number of cases that are concluded will go up. The number of cases where justice is done may in fact go down, because ordinary people who have not properly retained counsel, who do not have someone to advocate on their behalf, who have a lawyer who is harried—a lawyer who is trying to make as much money as they quickly can, given the hundreds of cases that have been assigned to them, will not be properly prepared, and the people who end up doing these cases will too often be those who have been called to the bar but recently and too often be those who have not specialized in particular portions of the law and who have to represent a broad range of interests, particularly in small towns.

You may get a real estate lawyer fighting an immigration case; you may get someone who has prepared youth defences in the past to deal with family law. They simply do not understand the law the way that they should, and the people who are forced to go to them, not having the option of going out to find their own specialist or to find who is best for their case and with whom they feel the most comfortable, will ultimately be those that lose out.

I'm not surprised that the lawyers have started to fight back. I heard some of the members opposite say how horrible it was that the lawyers are fighting back. I think

if you push anyone to the wall you'll see that they do fight back. We've seen students fight back, we've seen teachers, doctors, politicians and municipalities fight back. Sometimes they win and sometimes they don't. It is a natural human reaction, when you see something that you disagree with, to fight back. When you think it is going to affect your livelihood or your way of life or your core belief, you will fight back. It is no surprise that the lawyers of the province of Ontario are fighting back on this bill. In fact, most of them are fighting back not because of what the bill contains, but by the fact that they do not believe they are being listened to.

In my office we have received some eight or 10 faxes from lawyers who live in Beaches-East York. They all basically say the same thing: what they want is an opportunity to have full public hearings. They don't want the bill to be defeated. In fact, some think the bill may not be bad, but it is going to affect their livelihood and the way justice is done in this province, and they believe that a week or two weeks of hearings is not untoward. Quite frankly, I happen to believe that they are correct. If it takes a week or two weeks of public hearings in this city and across this province to hammer out all of the things that are right with this bill and all of the things that are wrong with this bill, then surely the bill will be a better bill. How can any bill that is rammed through over the objections of those people on whom it is going to have the greatest effect be right for the people of Ontario? How can it possibly be right for the citizens who are going to have to rely on public defenders? It simply is not going to happen.

Two of those groups have written articulately in a few sentences what this government ought to hear. This government ought to hold a week or two weeks of public hearings in this Legislature and on the road in Ontario. I would be satisfied with a week but I think two might be better. Go to places like northern Ontario with great driving distances to find out whether or not driving 200 kilometres and the amount of money that is given for that day is adequate or sufficient. Go to places which have high native populations to see whether the native community is going to be properly represented using these new parameters, and whether lawyers are going to be available to them. Go to large cities, go to small towns, hear from the length and breadth of this province, from the legal profession, from paralegals, from others and, most importantly, from the public who oftentimes rely upon these services to make sure that this bill does exactly what it is supposed to do, and that is to improve legal aid and improve public defence for everyone in this province—not just for some, but for everyone in this province.

I would like to quote from a couple of people who have written to us. The first is from the Association of Community Legal Aid Clinics of Ontario: "Even if the government did not use its regulatory power, its mere existence would have a chilling effect on Legal Aid Ontario decisions."

Jacquie Chic, the director of the Income Maintenance Clinic, writes that "it's not that private bar lawyers

provide better service.... but that the government is seeking to control the allocation of resources of an independent body, Legal Aid Ontario. I think it's akin to what they're doing with local school boards. And I can tell you from a clinic perspective, we're very nervous that the government might use this as an opportunity to curtail our role and in particular, the community organizing portion of what we do."

1720

A second stakeholder group, the Ontario Bar Association, calls the legislation "a political decision taken by a government trying to deflect criticism of a crisis that they are unable or unwilling to resolve." It goes on, accusing the government of "blatantly ignoring more than 18 months of 'good faith' consultations on behalf of the profession and extensive documentation suggesting options for legal aid tariff reform."

Those are but two of some of the larger groups in this province that have something they need to say. I don't believe that they alone can say everything that needs to be said in the whole diversity of opinion that is this province in one day.

There have been some arguments that maybe this is being done in order to save money. In fact, there was a pilot project conducted by this government in Ontario that has now concluded. The results of that pilot project are mixed if you are looking in terms of how much money is saved and how much money is not saved. The reality of the matter is that in Toronto the costs went up by about \$100. I can't remember all the figures now offhand, but they went up by about \$100 in Toronto vis-à-vis how much it would cost with a legal aid certificate to have it conducted in a public defender's type of clinic.

The same was true in Ottawa, where it also went up about \$100. Again, it showed that the legal aid certificate would indeed in terms of both of those cities probably cost the province and the provincial treasury less money than to go to a public defender.

On the other side, though, we see Thunder Bay, where the costs actually went down by some \$500 by having public defenders do the work instead of handing out legal aid certificates.

The jury, although it's still out, does show that there is a potential for both types of model, but it ought not to be seen as a sop. It ought not to be seen by the government opposite as something that has to be done or that is going to save money. It may save money and it may not save money, but it certainly requires that it be done slowly, that it be done with care and that the public, particularly those who are directly affected, have an opportunity to have input. To date, that has not happened. We have had 18 months of discussions which quite frankly have not come to fruition.

The Legislature is going to have to make a decision after having heard from the affected parties. But I want to tell you, although the minister and some of his people in the bureaucracy may have sat down with the Ontario bar, lawyers' groups and everyone else, I really don't know what all of them have said.

Today, we know that in one day of committees, if it were to be held tomorrow, there are literally tens of thousands of lawyers in this province who I am assured have something to say about this matter. Almost all of them as individuals will be directly or indirectly impacted by whatever decision this government makes: to fund or not fund legal aid, to fund or not fund public defenders, to fund or not fund any of the broader schemes that this bill may allow, including contracting out.

You also have a whole range of legal aid clinics which in many of our cities—and I don't know how extensive they are beyond our cities—do phenomenal work with helping people in poorer circumstances, helping tenants, immigrants, youth and people who go to them. The legal aid clinic being funded by the province of Ontario in large part has been able to do just such tremendous work in offering poorer people and those who are dispossessed an opportunity to get free legal advice from a lawyer who, if they take the time and care to do what needs to be done, often can produce for them miraculous results. We have a whole range of legal aid clinics throughout this province that really would like an opportunity to speak to you.

We have Legal Aid Ontario, which has in some regard been critical of the process to date and which has suggestions that they want to make to this government to do it right. They are not opposed in total to what is being suggested or to the options which may one day take effect, but they want to make sure that the people of this province, particularly the poor and the vulnerable, are protected and they want to make sure that the system of justice which has done this country so well since Confederation, and even before Confederation, which has done the people of this province so well, particularly since legal aid was introduced some 40 years ago, continues and that the people who are most in need are protected.

We want to talk and we need to talk to the crown attorneys—how this is going to affect their workload, whether or not they believe that plea bargaining is the way to go to clear the dockets, or whether they believe that more people ought to be taken to trial, particularly in serious crimes. There are many, many people out there, many people who are your constituents and my constituents, who are angry sometimes at how plea bargaining works, when someone can cop a plea and get off, say, with a fine or a minor sentence when in fact a court trial would probably have resulted in an extensive prison term. Those types of people need to be heard, whether we are doing the right thing by allowing people not to go to the court system when they face serious time in prison, versus, on the other side, people who might not be facing serious time and who cop a plea, or who might be innocent and cop a plea just to get out of it.

You finally have the whole issue of the public defenders themselves. We need to hear from them. Their workload is already beyond belief. We need to hear from them whether this will add additional strains to the court system, and we need to hear what suggestions they might have to make this bill better.

Last but not least, and I have left them to the end, we need to hear from the broad range of the public. We need to hear from those people who are directly affected, those people who go out every day, day in, day out, year in, year out, maybe once, maybe only twice in a lifetime, to get a lawyer when they need the lawyer to handle one of life's little problems, one of life's little travesties, one of life's little family break-ups, one of life's immigration problems or whatever, who need that lawyer and who need to rely upon the advice that they give. We need to hear how the system, when it's changing, is going to adversely affect them, or help them, because in some cases the people out there will actually be helped.

I'd just like to go into some of those ranges of law that the government needs to rethink. Quite frankly, and I am not a lawyer and I could be totally wrong, but just my looking at the law and the 20 or so years I spent in the immigration department before being publicly elected as the mayor and city councillor, and now here, the 20 years showed me a lot about what kind of law needs to be done with a properly trained lawyer and with legal aid possibly, and those that can be handled in a more public way by a community clinic or a public group that properly can look at the circumstances and aid and assist people in a way which is not cost-prohibitive but which produces the desired results for them and for the people of our community.

In terms of criminal law, one always has to remember that every time a person is taken to trial on a criminal proceeding, that person faces possible detention. They face possible incarceration, for one day up to and including a lifetime in jail, depending on the severity of the crime, what they've done and whether or not any plea bargaining has taken place. Those people, because their liberty is being taken away, must always be given the option of having the very best lawyer that they can possibly get.

If they are rich enough to hire a Johnnie Cochran, or the Canadian equivalent of that, then good luck to them. But if they are the ordinary persons who find themselves in a jam, who find themselves in a criminal proceeding, who want the best lawyers they can possibly get for themselves, then I would think we have an obligation to them to leave the system of choice open to them. That choice is only possible, in my respectful speech here, with a legal aid certificate, to give them the legal aid certificate and to allow them to take that legal aid certificate out and shop around to find the best possible lawyer for themselves, one who believes in their case, one who will listen to them, one who will fight for them and one who has been trained in those aspects of the law related particularly to that criminal or criminal behaviour. I would suggest that to take that away is to do a disservice to anyone who is charged under the Criminal Code of this country.

1730

We have other types of law which might be far more amenable to public defenders, community clinics or the

like. I believe that lawyers, if they came here for more than one day, would tell you those areas which might be more amenable, where the government might be able to save money, might be able to set up proper clinics. Some of those, I would suggest, involve family law. They involve poverty law, with tenants especially who are fighting to stay in their apartments when they're being removed under the Tenant Protection Act in Ontario or are fighting unjustified above-guideline increases. That type of law is very well handled by the community aid clinics and quite conceivably should continue to go to them and fund them and let them work for the people in this province who desperately need legal attention.

We also have the Young Offenders Act. Depending on the severity of the crime that has been committed or is alleged to have been committed, it may go either way. If it's a relatively minor offence, it could go to a public defender or a community law group. If it is a major offence that involves a death or any particular horrendous act of violence, you would want of course to have a lawyer who has been properly trained and who has a certificate. I leave that open.

I just want to spend a few minutes on the last issue, that of immigration law, since I spent more than 20 years watching it. The system has gone into some very real decline in this country because of the way in which lawyers, paralegals and others who represent immigrants and refugee claimants have taken advantage of the system and who, quite frankly, because they've been able to hang a shingle outside their door, have often done a disservice to the people they purport to represent. There is a very real problem around many aspects of civil jurisdiction and civil law. Lawyers could bring a far better understanding to the quasi-judicial systems within the immigration department and probably within many government departments, be they customs and excise or others, where the law is sufficiently complex that a legally trained mind is essential and where that might be a good thing to have.

In this province and country it is becoming increasingly difficult for people to get a legal aid certificate for immigration work. One might face deportation without having a lawyer present. What has happened is that in the majority of cases now, since a lawyer cannot be had because a legal aid certificate cannot be had, people go to immigration consultants. I happen to know many of them, because many of them were former immigration officers with whom I worked, who saw that you could make more money on the other side and who hung out a shingle and did some I think fairly standard, if not spectacular, work. But there were also many, many people who were able to take the system and bend it and who, quite frankly, without knowing a thing they were talking about, would go and take \$500, \$1,000 or \$1,500 from poor, unsuspecting people and would offer next to no service for that money.

Quite frankly, I think that one of the types of things the government ought to be looking at is the licensing of

these consultants. Whether they are consultants in immigration, consultants in traffic cases, consultants before the income tax tribunals or consultants before the tenant review board, it is important that they be licensed so that even in those cases which do not involve lawyers, where someone is going to a paralegal, an unsuspecting person would know that they are going to someone who had to write an examination, at least, and over whom the government had some type of control to take away their licence if they abused the system, abused the process, told their clients to lie or did any other number of things. That is what needs to be put in any legislation of the reform of our laws.

I do not see that here, with the greatest of respect. What is the most crying need is not here.

Quite frankly, what I had never heard about before, other than mutterings from a few lawyers that they weren't making enough money with the legal aid, in all the years I worked in the immigration department, in all the years as a mayor and as a councillor and now here in this august chamber, I had never really heard the arguments being made that the legal aid system was broken and that it needed to be fixed. There wasn't enough money; that is for sure. But I have never heard what has been said here today.

For me, it all comes down to this: is the government bill a good bill? It might be. It might be a good bill and it might not be a good bill. But we will never know until we give the opportunity to those people who are going to be directly affected—those people who have served, those people who are properly trained before the bar, those organizations which represent the tens of thousands of lawyers in this province—to be heard. We need to make sure they are heard not only here in Toronto but in the length and breadth of this province.

We need to know that the people who are going to be affected are in agreement with what is going to be done. We need to make sure, most importantly, that the hundreds of thousands of people who every year rely upon legal aid certificates, who find themselves in trouble with the law, who will require the services of a lawyer, have that lawyer, that they have someone whom they can trust, that they have someone who will do the right thing. They will know that in the end the justice system worked for them just the same as it has worked for everyone else.

I'm going to leave the last few minutes in case my colleague arrives. I know there are a couple of other speakers as well. But I just want to say that this is a system which is not broken. This is a system that needs repair and repair should come, but it should come only upon proper consultation. Move very, very slowly to make sure that the justice system remains as much a source of pride to the people of Ontario as this Legislature and democracy are to all of us.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Here we go again. Sadly, again, we're here debating a time allocation motion.

We're here talking about all the reasons why we would like to see this bill get full debate in the Legislative Assembly. The government, on the other hand, doesn't want that debate. They want to shut down debate. They will have one day of hearings on the bill in Toronto on a substantive piece of legislation.

I know that some of the members opposite are sighing over there and they don't like the fact that we always stand up and we resent the fact that we have been elected as the voice of the people and so regularly our voice is being stifled by time allocation motions. It seems to be something that government members are very prepared to accept and obviously promote. But I take it very seriously. I think it's an offence and an affront to the people of Ontario that so regularly this mechanism to stifle debate is used in the Legislative Assembly.

With regard to the bill that is being time allocated, it is a substantive piece of legislation. It is going to profoundly change the way our poorest and neediest people in the province of Ontario are able to access legal services. The type of system that we have in place now was established, I believe, in 1967. That's not to say that it might not be appropriate to investigate, to explore, to talk about ways to improve the way our poorest and neediest access legal services. Certainly we know there are problems in that area, but I would suggest that the way to address those concerns is not necessarily through this bill.

I have had the opportunity to hear from a lawyer who has four specific concerns with regard to the legislation. The first is:

"There would appear to be the danger of a conflict of interest when the funder—that is, Legal Aid Ontario—also becomes the service provider." This is from a lawyer. "Obviously, there's going to be a great temptation on the part of the funder to bias the funding formula toward their own service, and I think that's a problem that is there and it is one that has to be addressed."

Obviously this lawyer believes this is an area that requires some significant debate, more debate than one day of public hearings would allow for, I would suggest.

1740

The second point the lawyer made: "There's also the question of accountability of counsel to the client. Under the certificate system, if a client is dissatisfied they can take action and change counsel and they can do that also by choosing counsel. Where you have a public defender system, the accountability of the counsel to the client is significantly reduced." Another very valid point.

The third point the lawyer would make is: "I'd also note that under the public defender system, where the lawyer is in effect directly employed by the government, it's likely that policy will be set by the government, and I think one has to look at the implications of that with respect to the independence of the defence bar." Another valid point. Here you have a government employee who is following government policy in terms of how to defend our poorest and neediest people.

The fourth point that the lawyer has made to me and to others is that, "We also have to face the fact that there is a problem now with the amount of funding that is given to defence counsel, and that's established by the court cases. I think to ignore that problem is not to be realistic."

I take these points very seriously, particularly given that the lawyer is a member of this Legislative Assembly and is also a member of the government. That would be Mr Wood, the member from London West. He made these points in debate. So we have a government member who I think very ably has outlined four areas of valid concern. Yet what do we have here before us? We have a time allocation motion. Obviously, even when government members are starting to voice their concerns with the bill, that's when the government says, "OK, enough time to talk about this. We're going to move on. We're going to push our agenda forward. We're going to have one day of public consultation on this." That limits the opportunity that members have, that the public have, to come forward and share the very concerns that Mr Wood has shared in this Legislative Assembly.

It's important that I take this opportunity today, since Mr Wood made these comments as a response to the remarks that I made on this particular bill, because I have heard from people in my riding who are very concerned about the impact the bill will have on the level of service that our poorest and neediest citizens, who now are able to access a system of justice where they have some choice and some confidence in the counsel they engage—that we're now moving toward a system where their choice has been removed and where the counsel will be the employee of the government. He who pays the piper calls the tune. That is a valid issue and a valid concern the people from my community have shared with me.

The Deputy Speaker: There being no further members in the House who are eligible to assume the floor, I will now put the question to the House.

Mr Ted Chudleigh (Halton): On a point of order, Mr Speaker: I wanted everyone in the House to remember that tonight is the night, down in the basement dining room, we are selecting the Ontario wine that will be used in the restaurant for the rest of the year. I would encourage you all to participate in that particular event.

The Deputy Speaker: The member will know that's not a point of order.

Mr Galt has moved government notice of motion number 44. Is it the pleasure of the House that the motion carry?

All those in favour will please indicate by saying "aye."

Those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1744 to 1754.

The Deputy Speaker: All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Amott, Ted
Baird, John R.
Barrett, Toby
Chudleigh, Ted
Clark, Brad
Coburn, Brian
DeFaria, Carl
Dunlop, Garfield
Elliott, Brenda
Galt, Doug
Gill, Raminder
Hardeman, Ernie
Hodgson, Chris
Hudak, Tim
Jackson, Cameron

Johns, Helen
Johnson, Bert
Kells, Morley
Klees, Frank
Marland, Margaret
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
McDonald, AL
Miller, Norm
Molinari, Tina R.
Munro, Julia
Mushinski, Marilyn
Newman, Dan
O'Toole, John

Ouellette, Jerry J.
Runciman, Robert W.
Sampson, Rob
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Wilson, Jim
Witmer, Elizabeth
Young, David

Nays

Agostino, Dominic
Bartolucci, Rick
Bountrogianni, Marie
Boyer, Claudette
Bradley, James J.
Bryant, Michael
Caplan, David
Churley, Marilyn
Cordiano, Joseph
Crozier, Bruce
Curling, Alvin

Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Hoy, Pat
Kennedy, Gerard
Kormos, Peter
Kwinter, Monte
Levac, David
Marchese, Rosario
McMeekin, Ted
Parsons, Ernie

Patten, Richard
Peters, Steve
Phillips, Gerry
Prue, Michael
Pupatello, Sandra
Ramsay, David
Ruprecht, Tony
Smitheman, George
Sorbara, Greg

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 43; the nays are 31.

The Deputy Speaker: I declare the motion carried.

This House will now stand adjourned until 6:45 this evening.

The House adjourned at 1758.

Evening meeting reported in volume B.

The Deputy Speaker: Those members opposed to the motion will please rise one at a time and be recognized by the Clerk.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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McMeekin, Bill Murdoch, Wayne Wettlaufer
Clerk / Greffier: Katch Koch

CONTENTS

Monday 21 October 2002

MEMBERS' STATEMENTS

Veterans Highway	
Mr McMeekin	2241
Guru Nanak Car Rally	
Mr Gill	2241
Services for the disabled	
Mr Parsons	2241
Project Amik	
Mr Prue	2242
Andrew Oxenham	
Mr O'Toole	2242
Navistar closure	
Mr Hoy	2242
Sculpture project	
Mr Murdoch	2242
Member's expenses	
Mrs Bountrogianni	2243
Brain Tumour Awareness Month	
Mr Wood	2243

FIRST READINGS

Motor Vehicle Manufacturers' Warranty Act, 2002, Bill 192,	
<i>Mr Sampson</i>	
Agreed to	2244
Mr Sampson	2244

MOTIONS

Private members' public business	
Mr Stockwell	2244
Agreed to	2244
House sittings	
Mr Stockwell	2244
Agreed to	2245

ORAL QUESTIONS

Racial profiling	
Mr Curling	2245
Mr Runciman	2245, 2247
Mr Hampton	2247
Conflict of interest	
Mr Phillips	2245
Mr Sterling	2246
Hydro rates	
Mr Hampton	2246
Mr Baird	2246

Member for Mississauga West

Mr Kwinter	2248
Mrs Witmer	2248
The Speaker	2248
Mr Stockwell	2248
Mr Flaherty	2249

Ontario Northland Transportation

Commission

Mr McDonald	2249
Mr Wilson	2249, 2250
Mr Ramsay	2249

Tourism

Mr Maves	2250
Mr Klees	2250

Student dropout rate

Mr Marchese	2251
Mrs Witmer	2251
Mr Kennedy	2251

Library Week

Ms Mushinski	2252
Mr Tsubouchi	2252

Municipal restructuring

Mr Patten	2253
Mr Coburn	2253

Road safety

Mr Gill	2253
Mr Sterling	2254

School boards

Mr Christopherson	2254
Mrs Witmer	2254

PETITIONS

Highway 69

Mr Bartolucci	2254, 2256, 2257
---------------------	------------------

Adoption disclosure

Ms Churley	2255
------------------	------

Volunteer firefighters

Mr Murdoch	2255
Mr Barrett	2256

Education funding

Mrs Dombrowsky	2255
----------------------	------

Hydro rates

Mr Agostino	2255
-------------------	------

Natural gas rates

Mr Hoy	2256
--------------	------

Affordable housing

Mr Bryant	2256
-----------------	------

Water extraction

Mrs Dombrowsky	2257
----------------------	------

School bus safety

Mr Hoy	2257
--------------	------

GOVERNMENT MOTIONS

Time allocation, government notice of motion number 44, *Mr Galt*

Mr Galt	2257
Mr Gill	2258
Mr Bryant	2261
Mr Wettlaufer	2263
Mr Parsons	2265
Mr O'Toole	2267
Mr Bradley	2269
Mr Prue	2271
Mrs Dombrowsky	2276
Agreed to	2278

OTHER BUSINESS

Visitor

The Speaker	2244
-------------------	------

TABLE DES MATIÈRES

Lundi 21 octobre 2002

PREMIÈRE LECTURE

Loi de 2002 sur la garantie des fabricants de véhicules automobiles, projet de loi 192,	
<i>M. Sampson</i>	
Adoptée	2244

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Government
Publications

No. 45B

N° 45B

ISSN 1180-2987

Legislative Assembly of Ontario

Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Monday 21 October 2002

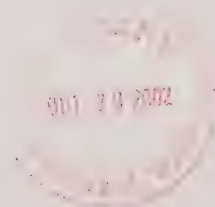
Lundi 21 octobre 2002

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 21 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 21 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

GOVERNMENT EFFICIENCY ACT, 2002

LOI DE 2002 SUR L'EFFICIENCE DU GOUVERNEMENT

Resuming the debate adjourned on October 16, 2002, on the motion for second reading of Bill 179, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act / *Projet de loi 179, Loi visant à favoriser l'efficacité du gouvernement et à améliorer les services aux contribuables en modifiant ou en abrogeant certaines lois et en édictant une nouvelle loi.*

The Deputy Speaker (Mr David Christopherson): It's my understanding that this evening we have to start with the deferred leadoff debate of the official opposition. Therefore, the member for Sarnia-Lambton may now take the floor.

Ms Caroline Di Cocco (Sarnia-Lambton): I'll be sharing my lead with the member from Windsor West.

First of all, it's with some pleasure that I rise to speak on Bill 179. It's a massive omnibus bill. When I get a bill, most of the time I go through the explanatory note at the beginning to get a sense and gist of what the bill is about. One of the things I noticed when I was going through the explanatory note of this bill is that it impacts 15 ministries and involves over 100 pieces of legislation.

We understand that oftentimes bills have to deal with housekeeping items. That's the nature of most of the omnibus bills that had been presented to the House by past governments, but what I was looking for was to see if there were any substantive issues that were covered. It is those substantive issues that I found some issue with. The most controversial part of that bill is an amendment to the Independent Health Facilities Act.

I want to speak today on this bill dealing with some of these substantive changes. In my view, they're also small erosions that deal with transparency. It's important that we speak to these matters because it appears the government seems to have a style of bringing in large bills that are not omnibus but a bit ominous when it comes to our democratic transparency, or transparency that's needed in democratic government.

I want to talk first about the amendment to the Independent Health Facilities Act, and my colleague will speak to that at length as well. This bill removes the cap on the price an independent health facility owner can offer for the sale of an IHF licence. It's a little bit complicated, but the reason this licence cap was put on was to prevent a market developing around the licensed nature of a facility. Why is that important? The removal of the cap would create a for-profit bias since IHF operators wishing to transfer their licences would have the opportunity to sell to the highest bidders. It moves Ontario, in my view, closer to a two-tier health care system. That's very subtle in this bill; nonetheless it's here.

There are certain sections in the bill that pertain to the Ministry of Finance. In particular, the bill amends both the Securities Act and the Commodity Futures Act.

Mr Peter Kormos (Niagara Centre): On a point of order, Speaker: I don't believe there's a quorum.

The Deputy Speaker: Would the clerk please check for a quorum?

Clerk Assistant (Ms Deborah Deller): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk Assistant: Quorum is now present.

The Deputy Speaker: Quorum now being present, the member for Sarnia-Lambton may now continue.

1850

Ms Di Cocco: Again, I want to deal with the two aspects in this bill that I believe are substantive issues that should be debated: the amendment to the Independent Health Facilities Act and also to the Ministry of Finance.

I would like to speak to the Ministry of Finance—I believe that's where I was at when quorum was called. What it does is it amends the Securities Act and the Commodity Futures Act to allow the minister to directly appoint members of the Financial Disclosure Advisory Board and the Commodity Futures Advisory Board. What does this mean? It means that the government agencies committee of the Legislature will no longer scrutinize government appointees to those boards. So the bill is going to create a new level of exemption from the Freedom of Information and Protection of Privacy Act for the Ontario Securities Commission. I believe that one of the reasons we have legislation is the ongoing change that we require to achieve what I call good government. But any time we remove transparency, any time we remove sections that are under the Freedom of Information and Protection of Privacy Act, in my view, it lessens our democracy in this province. When I went through this, I

was quite surprised to see what this has to do with the public good. In my opinion it has nothing to do with the public good.

There is an area as well that is extremely important under the Ministry of Finance amendments because it keeps the door shut to the public. It is not the way government should do business. Open-door policy is what should be the norm, not the exception. Bill 179 makes specific amendments to the Securities Act and the Commodity Futures Act that will keep important information out of the hands of the public and will remove legislative oversight of certain government appointments. That must not happen. Those are areas that should be removed from this bill because it's not just about housekeeping; it's changing legislation.

The Securities Act is amended to add a new level of exemption from FOI from the Ontario Securities Commission. According to the amendment, in addition to other exemptions, the Ontario Securities Commission will not be required to disclose any information that they receive from "any person or entity other than an employee of the commission who provides services to the commission."

I believe, and more appropriately the Ontario Liberals believe, that more transparency in government is required. I brought forward a bill dealing with transparency and providing penalties when public bodies go in camera to make decisions inappropriately. The government members at first voted for it. It went to second reading, went to committee, then it was not reported back to the House because the reality is that we can talk about accountability, but it is another thing to actually act and do something that would require a different level of accountability: actions to accountability.

So the actions, to me, in this part of the bill show that we really are keeping the door shut to the public. There is, in my view, a lack of transparency. We slowly seem to be eroding little parts of what I call the democratic process as we move forward with these huge bills. We'll just have a little section that erodes a little bit of transparency; we'll have sections that add Henry VIII clauses, which we've seen in the past.

For the members who don't know what Henry VIII clauses are, they are traditionally regarded in parliamentary democracies as undesirable because they empower the cabinet to pass regulations behind closed doors which override statutes passed by the democratically elected Legislature. We've seen that happen, as you know, with the \$10-million tax credit that was provided to our sports teams.

So again we have another example whereby the government's actions speak contrary to their words when they talk about accountability and transparency, because in actual fact we have a number of examples in this omnibus bill that remove the transparency that is there when it comes to appointments that the government will make.

There's a section in here that deals with the heritage act as well. I have to say that Minister Tsubouchi's staff

and the ministry were kind enough to give me a briefing on that section of the bill. I certainly appreciate it, because it's the first time—how can I say it?—that it was brought forward to me if I wanted a briefing. A number of times I have actually called for briefings with some other ministers and it was, "Well, why do you want a briefing on what's coming forward in legislation?" So I do appreciate that it was provided to me.

In some of the sections that have been changed with regard to culture and heritage, there are some good changes that clean up, I would say, definitions. There are about 25 minor amendments made to the existing Ontario Heritage Act.

But I want to take this opportunity to make it understood that I believe that one of the areas in which this province really has been lax in action is that what we need in Ontario is more than these minor amendments. I believe the minister understands this. What we need is a new Ontario Heritage Act. Why? Because the Ontario Heritage Act that we have now is, I believe, about 25 or 26 years old at the very least, and the act that we have today is a narrow, outdated view of heritage. The act that we have in place today is out of step with trends away from separate approaches to heritage conservation and toward integration with mainstream planning processes. The act requires some teeth to actually protect heritage. Right now, all we have is a reprieve. Nothing in this province is sacred from a bulldozer, is sacred from a wrecking ball, if the owner chooses that it should be demolished. We need a comprehensive vision and a definition of heritage. We need a mandate for the province to protect the provincial interest in heritage conservation and to provide some policy direction. We have had none of that.

We've had these small Band-Aids, if you want to call them that, things that were sort of tweaked here and there. I really wish we had the political courage to deal with heritage in a substantive way, because heritage is about who we are as a people.

1900

As you know, one of the biggest issues that has been coming forward in the last little while has to do with Upper Canada's first Parliament. Here we have the foundation of the political history in Ontario and we are very likely going to see it paved over. There is going to be very little to designate where Upper Canada's first Parliament was. If we had a heritage act that would protect and give value to these historic sites or historic buildings, we would be able to evolve over time a sense of who we are as a people and what our history is. We would possibly be able to have a place we could visit and say, "Gee, this is where our government began. This is where our sense of democracy began." We could have an interactive site that would teach a generation about our history. If we keep losing our heritage sites in this province, we will continue to have a lost sense of identity. Why is that important? Because that's who we are as a people; that's how we've grown; that's we've evolved. It's an expression of our values.

I say this because it's one of the first times that I have seen some work, if you want, done with regard to the words "heritage" and "culture." One of the things I've learned since I've been at Queen's Park is that these two words seem not to be in the vocabulary here.

I listened to a minister of culture from another country talking about their sense of value when it comes to culture and heritage. I can tell you that when they talk about what their competitive edge is, they talk about culture and their heritage as giving them that edge. That gives them the ability to compete with a uniqueness that always leads back to who they are as a people, that leads back to the innovation that is developed through their sense of culture, through their sense of the arts, to their value in this sector, which we don't seem to have in this province.

The Deputy Speaker: I'm sorry to interrupt. Could you take a seat for a second. I can appreciate that nobody's trying to interject; it's just that the voices of the people who are talking are a little loud. It's a little hard to hear the member and I know you'd want to show her that respect. If you could keep the voices down, that would really help a lot.

Sorry for the interruption, member for Sarnia-Lambton.

Ms Di Cocco: I want to say that in the section that deals with culture and heritage, I would have liked to see, at some time during the time of this government, something brought forth that would be substantive in this area. Unfortunately, what is substantive in this bill has to do with taking transparency out of how we do business here. But what is not substantive should be an area that should be substantive, which is, in my opinion, something that has not been done and there is no will to do it.

Our heritage should be recognized. It's about the legacies. It's about the tradition and history that gives us a sense of belonging and pride in the place in which we live. How do we quantify that? What role does government have when it comes to protecting and to evolving over time a sense of heritage? Each time we bulldoze something over or we take a wrecking ball to it, we lose an immeasurable and irreparable part of our heritage. We don't get it back.

Just for the members, I was speaking to the person in charge of culture for the city of Rome and I asked them, "What is the timeline that you have before you begin to designate something of heritage value?" I thought—I don't know—maybe a few hundred years. Instead, what surprised me is that in Rome they look at structure after 50 years. Fifty years is the timeline they have before they begin to look at some type of structure as having heritage value. That means there is an understanding, that the political world there has an understanding of what heritage means to a society. It also has economic value, because as you create your sense of identity, the place is interesting to go to. It is interesting to go to a place where you can visibly see what the sense of legacy is, what that sense of history is, just by looking at its buildings.

We know that economic development and taxes can be attained by all of these developers who build incredible

high-rises and have all of these apartment buildings, but long term, what do we leave for generations to come? I believe that we're entrusted, as a society, to leave for our generations to come a sense of who we were, a sense of what our past was. Unfortunately, we don't seem to have the political will to even go down that road in any sense of the word.

We have been here since September 23, and I had hoped we would see some real, substantive legislation before us that shows there's a vision for this province. Unfortunately, we still have a bit of a blank page.

Again, we have an omnibus bill here, the most substantive part of which deals with taking away, out of the purview of the public, appointments that are to be made to the securities commission. I believe that is dangerous because it continues to hide from the public what the public has a right to know.

These amendments, by the way, mean that the appointments to those important boards will no longer receive the scrutiny of the government agencies committee of the Legislature. We believe, and I would hope all the members in this House believe, that the legislative process for public appointments should be respected. Unfortunately, here we are. We have a number of these sections taking that process away.

The government has a responsibility to make their decisions open to public scrutiny. That, to me, is fundamentally what keeps everyone honest, because the public scrutiny means that everything is an open book; we sit here and we discuss these things openly, and we have to defend them. We're not here for any reason except the public good. That's why we are here to make decisions. That's why we're here to clean up the bills that need to be cleaned up with the omnibus bill, not to hide things from the public. Instead, what happens? This government appears to continuously try to circumvent the rules. They circumvent the rules by doing little things, by putting little sections in an omnibus bill that's supposed to be just housekeeping. They do that, and what does it do? It's another little area now that doesn't have, again, transparency.

They've done this to Ontario Hydro in the past. I can give you all of the examples that they've used, these Henry VIII clauses, how many bills. You know how they circumvent what I call the democratic process? For instance, in Bill 62, what it states is that in the event of a conflict between a regulation made under this act and a provision of this act or any other act, or a regulation made under another act, the regulation made under the act prevails. What does that mean? If there is some kind of contrast between the legislation that was brought before Parliament and the regulation that's done behind closed doors, they suggest that that regulation—and that's how they circumvent the democratic process—prevails under the act, not the legislation.

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They have done this over and over again since 1995. When I did the research on this, I was really quite appalled, because it was a subversive way, in my opin-

ion, that dealt with eroding our democracy. That is fundamentally what I believe is in error, and this does not serve the public interest. That is the reason that I find I object. I will definitely vote against this omnibus bill because of these two sections that continuously erode the transparency of how government should do its business.

Again, I have to tell you that I and Leona Dombrowsky sat here late one evening, looking through this explanatory note. The two of us thought, "This can't be happening again." It's happening under our noses and probably used in this form because it's easy to miss. I believe the idea is that it's so onerous, who is ever going to look at this stuff? We have so many papers and we have so much that we have to deal with that we'll miss this stuff. But we sat here and we looked at every section in the explanatory note, and it's right there in black and white. I think the members of the government should take a good look at it too, because it does erode transparency and the public's right to know.

Any time we do that, we should stand up in this House and say, "This is not about better government," because any time a bill comes forward, it should be about better government. It should be about legislation that's going to improve things in this province. I believe the Conservatives, the Liberals and the NDP come at things in different ways, but hopefully with the same intent about the public good, not about control, more power, more behind closed doors, because any time we do that, we do a disservice to ourselves and to this province. I can tell you that I will continue to take the time to go through the explanatory notes of these bills and see for myself each time where and when we continuously erode the democratic process by taking out sections that would be under the view of the public. I feel very strongly about this, because good government is transparent. Democracy is about the public's right to know so they can make a decision with the facts before them.

I'm going to finish by saying that I do feel that in this House we have an obligation to scrutinize the legislation that is before us and to applaud and give credit to the aspects of the bill that are good for the public, but also, more importantly, to scrutinize the sections of any legislation that, in my opinion, erode transparency in the job of doing government business. As we move forward in a very complex time where we're constantly inundated with information overload, it's very easy for government to pass things very quietly through. That is fundamentally against the principle of good democracy. That is the reason why I am going to vote against this bill and why the Ontario Liberals will be voting against this bill.

Mrs Sandra Pupatello (Windsor West): I'm happy to continue the discussion along with my colleague from Sarnia-Lambton, Caroline Di Cocco, who has made a career during her time both in local politics in Sarnia as well as here at Queen's Park of speaking to transparency of government. So it's very appropriate that she should lead our discussion this evening on this Government Efficiency Act.

Bill 179 is an enormous bill—an omnibus bill, as was mentioned earlier. While my party took a significant amount of time to walk through the bill, what we realized was that the bill we'll be discussing here—and apparently one of the reasons why we were brought back into this House for this session is this bill. I looked at this bill with an eye to seeing how my constituents of Windsor West were going to be benefiting from this bill. When we speak about issues that matter at home, in our home ridings—does Bill 179 do anything to assist my constituents? The answer has to be no.

Let me tell you that what I'd like to discuss this evening are things that I wish had been in a Government Efficiency Act. I would like to see that we are going to become efficient in training foreign-trained physicians. I would like to see a licence system outlined here that would take care of the many people who don't have a family doctor in Ontario, but that is not in Bill 179.

I wanted to look through this bill to see what in this efficiency act was going to deal with the Family Responsibility Office. There are tens of thousands of people affected every day by the bungling and bureaucracy around family responsibility; there is nothing in Bill 179 that does that for people in my riding or anywhere else in Ontario.

I wanted to speak about legal aid and the number of people who are caught up in a system that is supposed to help them but in fact is not helping them. That is nowhere in Bill 179 as part of this efficiency act.

The Ontario disability support program: with the number of people we face every day across Ontario who can't get into the system or when they're in the system, it's not working for them—that is not in this efficiency act, and it should be.

So I start by asking the government a question: why did we get called back into this House, into session? What is the purpose of this government, under their new leader, Ernie Eves? We have yet to see the reason for Ernie Eves running for leader of his Progressive Conservative Party. We certainly don't see the reason why we were called back into this House. All of us spent those months in our home ridings affirming why the government of Ontario must do the things they do, only to come here and see that the government isn't moving anywhere near to solving real problems for real people at home in our ridings.

My colleague mentioned the changes being made in Bill 179 to the Independent Health Facilities Act, and I wanted to address that as the health critic for my party. I can tell you that it's quite interesting that in the spring and through the summer, we had very interesting announcements by Tony Clement, the Minister of Health and Long-Term Care, in discussing private MRI clinics, that they would make these proposals and various requests for proposals available to members of the private sector to bid on hosting these private MRIs. When this happened, we came out immediately and strongly and said no. When the minister was questioned, he repeatedly said, yes, individuals would be able to pay for the

service. We know that every experience in the nation has meant that these people who pay for an MRI service will jump the queue ahead of others who are waiting and who are not in a position to pay. So when we saw Bill 179 and realized that they were making this change to the Independent Health Facilities Act, we wondered why. Because this hurtles the government closer to the introduction of a full-fledged two-tier medical system in Ontario, and this is one more building block that this government needs to make that happen.

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In 1989, when a then Liberal government brought in this act dealing with independent health facilities to begin with, it was because it was an absolute jungle out there. There was no regulation around these independent health facilities and there was no way to control what was happening out there in the marketplace with health services brought to you by the private sector.

So when the act was brought in they introduced a cap on the value of the licence for the independent health facility. The purpose was so that it would not become a commodity like other commodities on the market, but that it would be restricted, so when it was sold or the licence was moved to someone else, it would have a value that was a reasonable value that would not benefit just the private sector but would be allowable to be held by the non-profits and the privates alike. All three parties realize that the private sector is involved in the health system. The parties certainly differ on the degree and who should be currying favour in the delivery of the health system.

Bill 179, the Government Efficiency Act, actually moves to remove the cap on independent health facilities. What that means is, it's a free market out there. When that licence wants to be had by whoever, it will absolutely benefit the private sector and, in particular, large corporations with very deep pockets who are in a much better position to pay what the market will bear for this licence. That means that if the Sisters of St Mary or St Joseph wanted to try and access this licence to provide a service affiliated with the local hospital, they simply won't have the wherewithal or the deep pockets to purchase the licence because there will be some huge conglomerate, international company, that can swoop in and pay whatever. That will drive the price of the licence up and those non-profits will be excluded from participating in the delivery of that health service. That's just wrong.

There are a number of things the government has done through regulation and otherwise that have changed the face of delivering health service in Ontario since 1995. Another very good example is the change in the building of long-term-care facilities. By regulation, and very quietly, this government changed how you can apply for these beds. What they did at the time was say that if you are applying for them you have to show that you already own the land, that you already have title to the land, that you already have access to appropriate zoning. It seemed like some kind of inconsequential regulation change, but

the reality is that non-profits out there do not have the wherewithal, the deep pockets to get out there to purchase land or lease land, do all of the development, rezoning required and the cost of that, before they even have the security of knowing they've won the bid to build the beds.

That knocks out a whole raft of non-profit organizations that could well have been in there providing long-term-care residents with long-term care—a small regulation change that wholly benefits and makes it much easier for the private sector to participate, to the exclusion of the non-profit sector.

Here we have yet one more example in lifting the cap on the value of a licence for an independent health facility. It's that simple. This is put in to specifically allow the two-tier delivery of this particular kind of health service, and that's just wrong. It's something that we are fighting against and we will continue to fight against and continue to tell the people of Ontario that we cannot allow the benefit of the private sector to the exclusion of non-profit.

Imagine what can happen when these conglomerates or international firms come in with very deep pockets to purchase up the licences: eventually, and it can happen, as we saw a change in the home care sector with private companies, international large companies coming in to win the bids to provide home care delivery. When they own all the licences in this case, in independent health facilities, there you have the monopoly, owned by the private sector, owned specifically by multinationals and then they will be holding the government to ransom as far as what they insist that they be paid for their services. The government cannot allow itself to be in a position not to control what is happening in how our health services are delivered in Ontario. I will be voting against this bill just on that element alone.

There are a number of other changes that this bill seeks to make, and one of them that's more interesting, I suppose, is the exclusion of freedom of information requests to sectors under the Ontario government. Specifically the Guarantee Companies Securities Act is amended to add a new level of exemption from freedom of information for the Ontario Securities Commission. I have to ask the cabinet present: why are you worried about what the public may see in freedom of information? I ask the new Minister of Tourism, are you worried about what the public may see in freedom of information when that becomes public? Why would you take the time to further exempt other arms of government business so that the people can't see? It's a very telling tale of what you're selecting to do.

There's another element in here where you're actually moving to exclude the appointments of individuals from having to go through the process of a government committee for agencies, boards and commissions and the people that you select to put forward as names to be appointed to various boards. Bill 179 will amend the Securities Act and the Commodity Futures Act so that appointments to the Financial Disclosure Advisory Board

and the Commodity Futures Advisory Board are now direct ministerial appointments rather than Lieutenant Governor appointments. What that means—the people of Windsor West will want to know—is that when names come forward, all of us have an opportunity to see whose name is being put forward. All of us on committee for that group have a chance to call these individuals before the committee to find out, what's the Tory link to this appointment?

My colleague from Windsor-St Clair brought a huge raft of names forward: more than half of the failed Tory candidates in the last election are now happy at the Eves trough with government appointments. But as was heard today during question period, when the minister stood up and spoke about government appointments, he said, "Well, it was passed by the committee." Of course they are passed by the committee: it's a majority Conservative committee. So of course the lackeys come into committee and vote at the required time. Half the time they don't even know these individuals or take the time to care. They just go in there for the vote and get their friends appointed. But at least that process allows the public in to see that it's even happening.

So I ask the new Minister of Tourism, why would you specifically exclude these boards from an appointment process that is out in the public's eye? Why would this Minister of Tourism, new to his position, say, "I don't want individuals to access freedom of information"? Why would this new Minister to Tourism say, "I don't want those appointments to those boards going through the proper committee at government"? The general public will just ask, "What is this government hiding?"

If we had to look at Bill 179, as large a bill as it is—I was leafing through Bill 179 and I wondered about an efficiency process that meant multinational sports teams getting cabinet handouts totalling \$10 million—that that process would be quite efficient, quite open and transparent. Members of the cabinet who are here in the House, I ask especially the new Minister of Tourism, where in Bill 179 is the efficiency around a process at the cabinet table that hands out \$10 million to pro sports teams and the general public knows nothing about this? Where, I ask the new Minister of Tourism, is this information under the Government Efficiency Act?

Hon Frank Klees (Minister of Tourism and Recreation): On a point of order, Speaker: I was wondering if the member opposite would give unanimous consent for me to take over the rest of her speaking time to give all of these explanations she's asked for.

The Deputy Speaker: Member take your seat, please.

Mrs Papatello: I don't think the Minister of Tourism was prepared to answer any of these questions. It's an enormous bill. I ask the public, where in all of these pages are the benefits to the residents of Windsor West and the residents of Ontario?

I'd like to speak briefly regarding the Ontario Disability Act. I want to tell you about a constituent of mine. This individual was approved as a bona fide individual to receive disability payments because she's disabled. She

was approved in November 2001. That's almost a year ago. Here we are in the new year and this individual has yet to receive a cheque. I ask this government, why? Why in this enormous efficiency act is there nothing that addresses the computer glitch that apparently stole the cheque from my resident, who qualifies of Ontario disability? How many residents out there have gone through the hurdles this government put in place in the development of the Ontario disability program to even get in, whether it's through medical requirements now and more adminstrivia?

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Here's an individual who qualified, who got through the number of hurdles you put in place despite your fancy committee that you call "cutting the red tape out of government." You created gobs of red tape for people with disabilities to try to get through the system, but here I have a constituent who got through it anyway. I asked the new Minister of Tourism, "How can someone be approved in 2001, and we're practically at the end of 2002 and she still hasn't received a cheque? How can that be?"

Wait, let me tell you: at this moment we're waiting for confirmation from the MPP liaison. Do you know what that is? That's a political staff person. Any time an MPP calls, we get assigned some Tory political staffer to wade through all the bureaucracy to find us an answer. Lord knows you don't want Liberal MPPs calling the bureaucrats directly, because we might actually find a solution. So let's just back it up in bureaucracy and go through your MPP liaisons, who just can't seem to figure out why, due to a computer glitch, one of my constituents is doing without the disability support that you people said she was guaranteed. I just think that should have been in Bill 179. It should have been part of the efficiency act.

I want to talk about the family responsibility act and the changes that were made to the Family Responsibility Office. This is going back to the first term of the Harris-Eves government, when Charlie Harnick was still the Attorney General, when Charlie Harnick was still happy to be the Attorney General. They closed down all the offices across Ontario and it left all the local MPPs' offices as the new Attorney General side office responsible for family responsibility. We were chasing around the various bureaucrats, people who were subject to 1994 staffing levels, having to deal with a caseload increase almost immediately of 35%. You just can't get it right.

The Provincial Auditor did a complete review. Do you know what the Provincial Auditor said? He said it was a mess. He said it was completely bungled. I should quote him, actually: 75% of cases in Ontario are in arrears. The auditor noted that when the account goes into arrears, "more aggressive enforcement measures ... were seldom pursued."

I ask the new Minister of Tourism, where in Bill 179 are the efficiency clauses that are going to improve the Family Responsibility Office? We're in the middle of the fall. Christmas is around the corner. I have families living in my riding that are due tens of thousands of dollars and they are heaping up bureaucracy to fight through.

I have stories where women, and these are the cases I'm aware of, sit on their telephone with a long extension cord so they can go about their business cleaning the house while they wait to get through because they've been put on hold on the 1-800 number that they're supposed to call for your Family Responsibility Office. These people have been left hanging there. Then, when it gets to the end of the day, the line just clicks off. So they've waited, in some cases, for an hour and a half or two hours, never to hear a voice at the other end. Why? Because that office was left with 1994 staffing levels, a wild increase in caseloads and apparently a new computer system.

Back to the new computer system: I don't see anything anywhere, I say to the Minister of Tourism, in Bill 179 that talks about an appropriate computer system in this day and age that could at least manage people who are owed money. It's not even your money, it's their money, and the courts have said it's their money. But they still can't get through your government system, and none of that is in Bill 179, the Government Efficiency Act.

There's so much to talk about and so little time.

I want to talk about foreign-trained physicians. Let me tell you that the riding I come from, Windsor West, is second to cities like Ottawa and Toronto only in terms of the multi-ethnic diversity that is Windsor. We have 94 different ethnic communities and play host to numbers of new Canadians every year. That means we have a litany of individuals with a high level of training in a multitude of fields who cannot practise their trade.

In 1995, when I was first elected and came here, we started—let me say to the government, that was almost eight years ago. You could try to blame it on previous governments except you've been here almost eight years. We have pharmacists, skilled trades and carpenters. We have a lack of skilled trades in the field for work and these businesses scrambling to get these people into their businesses to work for them and these individuals who cannot cut through the government red tape to practise their trade or their craft in Ontario. The saddest cases of all perhaps are physicians.

The former Minister of Health is here in the House tonight. He will remember well and fondly the number of times I raised the issue of foreign-trained physicians when then Minister Wilson. These were the days when he told us to just have the women pop across the river to have their babies in Detroit, when we didn't have obstetricians to deal with them in Windsor. I know the former minister remembers those days fondly, as I do.

Here we are in the eighth year of the Harris-Eves government and we are nowhere closer to having foreign-trained physicians practising when most of Ontario is underserved. My colleagues who are here tonight will remember this well because they come from underserved communities.

I'll give you an example I've spoken about in this House before: Dr Mark Gallow. This individual was born and raised in Windsor. He lives in south Windsor with

his family. This man is a family doctor. He gets in his car every morning and drives to Michigan to his family practice. When he comes home every night to his south Windsor home, there he is in the neighbourhood where most of his neighbours don't have a family doctor.

I would ask the new Minister of Tourism where in Bill 179 are we addressing the issue of foreign-trained physicians? Have we not brought this issue up enough in this House for you to realize it's a priority in Ontario? Have we not said a hundred times or a thousand times that we have people who are desperate for that gateway into the health system by a good family doctor, whom they can go to before their symptoms become so chronic or acute that they require emergency care or hospitalization at a much higher cost to the system? This is the gang brought to you by Harris, now Eves, that brings forward hundreds of pages in Bill 179 and nothing that addresses foreign-trained physicians. It is the one area in the health system that you know you have to change.

Here are some of the headlines: "Ontario to Move on Doctor Shortage." That's just this year. This is year eight. "You Can't Always Come Home." These are individuals born and raised, trained elsewhere and are just looking to get through the system, but your system won't allow them through.

"Foreign-trained Docs 'Losing Hope'." I have people in my riding who are running corner stores, who ought to be delivering pharmacology because that's their training, who are more than happy to do whatever it takes, whatever upgrading is required, to meet our high standards and your system won't let them through.

"International Graduates are Put Through Sham Process." You made all this great fanfare several months ago about the Ontario government. "We've got a new, better process for foreign-trained physicians." What kind of a joke was that? We brought the then assistant to the Minister of Health, Brian Patterson, who in his happy days came to Windsor on very short notice. We filled the room with 200 people, all individuals who have various training levels from places around the world, who are desperate to work in my riding. He had to listen firsthand to the examples of people, in some cases, trained at schools that are considered to be manna from heaven when it comes to medical, that are considered the schools to be followed by the rest of the world. They trained there, but they can't come and practise in Ontario.

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It would be so easy to alleviate some of the burden on our health system by getting these people to practise. The government hasn't addressed this in any fulsome manner.

Here are a bunch of quotes from the Minister of Health. He realizes that it's a problem, so I asked the Minister of Health, I asked the new Minister of Tourism to ask the Minister of Health: "What are you doing? What have any of you had to do with Bill 179 and participation in making government efficient for the people who want to work in our system? What has the government done to assist individuals?" We open our arms to people to come in as new Canadians to make our com-

munities colourful, to bring their culture to us, to bring their faith and their worship and everything into our domain and then we say, "Oh, by the way, we're not going to let you practise." We allow schools from around the world to spend their money to train these people, but we are not prepared to put them on some kind of a system that can move them quickly through at much less expense to our government to upgrade, if required, these individuals than it is to train a brand new individual.

Admittedly, you have put various caps on what they are going to be able to do. You're going to take foreign-trained physicians, if they could ever meet the criteria, and then you are going to send them off to underserved communities. Fine. At a minimum, get them in the system. Where in Bill 179, I ask the government, have you addressed foreign-trained physicians? Would you not say, based on the fancy survey the government spent some \$3 million on last year to survey the population of Ontario, the biggest critique of that whole survey process was that you didn't even leave the people a line for a comment? The cards that I got back in this health survey that the Minister of Health went on this massive charade as if he were listening to people, everyone was writing back along the sides and up the margin over to the side. Where was this information ever going to be entered into a computer? You restricted what they could even tell you on a survey and you used their money so that they couldn't talk to you. That's what they are used to with this government.

So here we are in the fall, called back to the House after having been away for months, waiting for information as to the direction in which this government will lead Ontario, and what do we see instead? Nothing, nada, nothing that is going to inspire Ontarians to vote for this bunch again. Here we are looking in earnest. Is there an order-in-council procedure to prevent \$10 million going out the door without anybody knowing about it? It's not in the bill. I ask the cabinet members who are present, can you imagine most Ontario residents watching the news that night that we brought it forward in this House? They caught most cabinet members coming out the side door from the House that evening. They walked out. They threw their hands up in the air. They said, "It wasn't me. I didn't sign that. I didn't know anything about that."

What kind of comfort is that to individuals who watch their government, the group that's supposedly the tax-fighter, the defenders of the taxpayers' purse and they're not even aware of \$10 million going out to some friends somewhere?

It's quite galling to sit here and realize that I just came back from Windsor West again to meet more people who don't have a family doctor. This past weekend we talked with Dr Gervais, a radiologist in my hometown who watches individuals come through his clinic for the most basic of tests, and he has met individuals who should have had their tests weeks sooner. Their cancers were much more progressed because they didn't get the test on time. What kind of bureaucracy needs to be cut through

in an efficiency act by this government that is responsible to see that we meet the medically appropriate time frames on diagnostic tests in this province? I ask the government, where in Bill 179 does that appear? It is not in this bill.

I ask the cabinet ministers, when you are in your home ridings, do people not tell you? We saw the surveys from hospitals across Ontario that said we have women in some cases waiting 12 weeks for a mammogram. That is the difference between a lumpectomy and a mastectomy. Can you imagine cutting off an entire breast because it took too long to get the test?

I ask members of the cabinet, where is this in the efficiency act? We have people who needed a barium enema but waited 12 weeks for it, and the colonoscopy that followed pointed to a cancer that should have been and could have been removed much sooner. That ultimately meant that this patient needed vast amounts of radiology and the outcome was just not good. In the communities I come from, people are dying at higher rates than other places in Ontario, and they happen to be in the same areas where these waits for radiology are too long.

If you are going to come into this House and bring us back into this session to discuss bills and if you are going to call a bill an act to promote government efficiency and improve service, I would ask one thing of this government: that there be the kind of priorities that matter to everyday people in every riding across this province. They should be issues that matter to people, whether that's foreign-trained positions, radiology services, getting people through the Ontario disability support program or helping broken families get family responsibility payments, which is money that is owed to them.

None of these are news to the people who sit in this House, because we bring them forward every day. We talk about them with one minister, and when that minister is fired we talk about them with the next minister. This is not news, but it's up to this government to act, and I am asking this government to finally act on these important issues.

The Deputy Speaker: It's now time for members' questions or comments.

Mr Michael Prue (Beaches-East York): I thank very much the two speakers who came before us from the Liberal Party, one from Sarnia-Lambton and one from Windsor West. They did talk very well about this omnibus bill. It is a bill that is supposed to encapsulate many, many things and in fact does, but what it encapsulates is not particularly relevant to the people of Ontario.

I agree with the previous speaker—and I listened to her at some great extent—about people walking around with an extension cord hung to their ear, trying to get through to a government department. It rang 100 bells to me from people in the GTA who every day walk around with an extension cord, trying to get hold of somebody at the 407 corporation: "407-0407 will you ever answer the phone?"

The reality for the people who live out there is that nobody ever answers the phone, and we have come up with

person after person who drives a car and they've got one of those transponders, you know those transponders that have a battery in them. After three or four years the battery runs out, and you go out and try to find somebody who will do something about that battery, but you call and nobody answers the phone. You go down to the kiosk to get your battery repaired and you can't get your battery repaired because they won't repair it unless you first phone the number that nobody answers. It is the reality today of what is happening in so many government privatized services.

I listened to the speaker, and she also talked about foreign-trained physicians. If ever there was a need we needed to talk about in this province, that is it. I would welcome the government, any time you want to bring in an omnibus bill with that in it, because that is what is essential to the people of Ontario; we need foreign-trained physicians, we need them in every single little town and city, and last but not least is the whole area of the hospital efficiencies, but my time is up, and I would be pleased to speak about it my next time round.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): It is a pleasure for me to rise today after listening to the members opposite rant and rave. The member from Sarnia-Lambton called this bill omnibus. I've heard her say that about every bill, that it's omnibus. I think she might have called the legal aid bill, which is about half a page, an omnibus bill.

The other one, the member from Windsor West, instead of "omnibus" she said "enormous"; it's an enormous bill. You know, what she did not do is talk about anything that was in the bill. She talked about everything else but what was in the bill.

Basically, it is a bill which targets red tape. As you know there was a world conference recently held in Toronto. I'm very happy, and I'm sure our new Minister of Tourism is happy, because in June there was a conference on biotech in Toronto and about 15,000 people came in. A couple of weeks ago from Red Tape to Smart Tape was in Toronto, which is becoming a world-class city. People talk about declining tourism; there's no such thing. Many more people are coming.

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Let's talk about the issue of foreign-trained doctors. It was the Liberal government and the NDP government that decreased the number of entrants. Now they are saying that was a long time ago, but they didn't do anything.

I have a personal example. My wife is a foreign-trained medical graduate who is doing very well, thank you, at the Credit Valley Hospital, one of the best hospitals in Canada, if I may say. The next one, which is going to be even better than that, is going to be in my riding of Bramalea-Gore-Malton-Springdale. It will be the biggest community-based hospital in Canada, with 609 beds. I'm very happy to report to the people at home that we had the groundbreaking ceremony just about two weeks ago. People are extremely happy and they're looking forward to opening the new hospital very quickly.

Mr Ernie Parsons (Prince Edward-Hastings): I'm sure that when years have passed and we finally get access to all the information about the things this government has done, we're going to find that Monty Python wrote a number of the bills. For this government to use the word "efficiency" just is the ultimate in irony and humour.

If we talk about special education, it used to be that the people who knew the child decided what that child needed. So we got more efficient. We generated a whole bunch of forms that parents and teachers have to fill out, and they have to make that child sound as bad as they possibly can. That in itself is repugnant. Then they go off to Toronto, and someone who has never seen that child decides what the needs of that child are and how the money is allocated. The money is allocated not based on what that child needs but on how much they have spent in other areas and how much the minister spent on hotels and meals. So it's the exact opposite of efficient.

We can think about insulin pumps. Insulin pumps cost about \$5,700. All the data we have and the data the Minister of Health have say that the insulin pump, for the initial cost of \$5,700, substantially reduces the possibility of heart attacks, kidney failure and a multitude of other problems. This government won't pay the \$5,700. They would sooner pay the \$100,000 when the victim of that heart attack has to go to hospital for a week. Efficiency? It's a long way from it.

The Family Responsibility Office: family responsibility offices were closed all over this province and were combined together in Toronto, and three quarters of the staff were let go. This shouldn't be a shock to anyone: three quarters of the cases are now in arrears. Efficient? Not at all.

I'm sure if this government is looking for a model for their next election—if they don't steal one from the US—I'd suggest the model, "If it ain't broke, we'll break it."

The Deputy Speaker: Further questions or comments.

Mr Kormos: It is an omnibus bill. We recall back to the seminal omnibus bill, Bill 26. Opposition members warned this government and the public of Ontario that buried deep within Bill 26—and sometimes not so deep—were going to be some major impacts on how business was done in this province, including opening the door wide open to wholesale privatization across the board. We have seen that admonition, that caveat regarding the omnibus Bill 26, take an effect week after week, day after day in this Legislature since.

Once again we have another one, Bill 179. I've got to tell you, when this government talks about efficiencies, what it's really talking about is circumventing the Legislature, circumventing the public committee process, circumventing public scrutiny and circumventing an opportunity for not only members of this chamber but for members of the public to review the contents of the bill, to examine it with a view to how it's going to impact upon them and their respective communities. We have proposals from—what?—16 or 17 different ministries,

covering three, four or five times that many bills, impacting on everything from the Employment Standards Act, the Labour Relations Act and the rights of working people across the board.

This government should do the right thing. Far be it from me to suggest that, because we've prevailed upon them to do the right thing so many times and have been denied the opportunity to see even the most modest sense of responsibility coming from these guys. And what do we get? This bill is going to be rammed through just like every other. Just this afternoon, we had a time allocation motion on Bill 181, the legal aid bill, which constitutes some major and radical reversals of traditional Canadian and Ontarian delivery of legal aid services.

This bill is frightening. This bill is going to have serious impact and the bill regrettably will not receive the debate time or the committee hearings it's warranted.

The Deputy Speaker: Now one of the original speakers may respond for up to two minutes.

Ms Di Cocco: I want to commend the member from Windsor West because she clearly outlined the areas of priority, at least for the Ontario Liberals, that deal with efficiency; in other words, areas such as the Family Responsibility Office, the shortage of doctors in the area, and foreign-trained doctors. Those are areas that this government could have put in this bill if it really wanted to create efficiency in how it delivers services to the people of this province.

I want to also respond to the member from Bramalea-Gore-Malton-Springdale. He suggested, for instance, that I suggested the legal aid bill was an omnibus bill. Considering that in this House apparently people can say whatever they feel like saying without any accuracy, I did not even speak on the legal aid bill. But of course the members like to say things without actually having any facts.

To me the most ominous aspect of this bill is the erosion of transparency.

Mr Rick Bartolucci (Sudbury): It's bad. It's just bad.

Ms Di Cocco: Yes. And I agree with the member from Niagara Centre about circumventing the rules. That's what a lot of times these efficiency bills have in them, and these omnibus bills that are ominous. There is in my view a continued danger in this province of the erosion of the legislative process that is consistently undermined by these very subversive little ways of taking transparency out of the public business.

The Deputy Speaker: The floor is open for further debate.

Mr R. Gary Stewart (Peterborough): I am going to split my time with the member from Bramalea-Gore-Malton-Springdale. It is my pleasure indeed to speak to this bill. I am a member of the Red Tape Commission, have been for some time, and I'm very proud of the fact that we've introduced a number of bills that I believe have been a benefit to this country.

I want to make one comment to the member from Sarnia-Lambton. I'm elated with what she said. Her

comment was, "They can say anything they want to without accuracy." I applaud her for that, because that's exactly what comes from across the way. I guess one of the reasons it really annoys me is that sometimes in this House people get up to speak about a bill and it appears they don't read the bill, because they don't say anything about it. I would certainly courier a copy of the bill over to the member from Windsor West, but unfortunately they're involved with International Courier Service at the moment.

Anyway, I'm extremely pleased to speak to this bill, Bill 179, the Government Efficiency Act. It's interesting to note the talk about doctors and so on. Maybe I've been around a little bit too long, but I've been in municipal politics for a long time and I remember a few years ago when my predecessor—and I believe she was from the New Democratic Party—sat in a meeting that we had at the library in Peterborough and said very implicitly, "We do not have a shortage of doctors in this province and in my community." She would not admit it.

The other fact was that a little bit farther back, under the Liberal Party, when Peterborough was trying to get a dialysis unit, they said, "Oh, no, it's not needed down there." We tried to get MRIs, we tried to get CAT scans. "No, not needed down there." Eventually, under this government, under our government, we got a CAT scan, we got a cath lab, we got an MRI and we got a new hospital, because they saw the need for it in my riding.

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Anyway, ladies, let me get back to the bill. If passed, this bill will be the 15th government efficiency and/or red tape reduction bill passed since 1995. I compliment the members, administration and bureaucracy of the Red Tape Commission and I also compliment two Premiers—both the past Premier, Mike Harris, and our present Premier, Ernie Eves—who support and back the Red Tape Commission. For those who have not been in business or involved with red tape, we know exactly what this type of efficiency bill will do.

Interjections.

Mr Stewart: It's interesting to note that we've got a little heckling going on. I think I've hit a nerve of what is probably happening. It's interesting, for these folks across the way who constantly badger and yak, because they don't know what the heck they're talking about, haven't read the bill, were involved with a total amount of red tape and didn't want to do anything about it.

Interjections.

The Deputy Speaker: Take your seat, please. Now we have everybody jumping in. We have a full-fledged verbal riot going on. I see the House leader for the third party rushing to his chair, obviously to contribute something. You have a point of order, I'll bet.

Mr Kormos: Yes. Please, Mr Stewart, we weren't heckling you. We weren't even listening to you.

The Deputy Speaker: OK, members, we got a little bit of that out of our systems. That includes my colleague from Ancaster-Dundas-Flamborough-Aldershot.

The member for Peterborough will please continue.

Mr Stewart: Thank you very much, Mr Speaker. I listened very intently to those across the other side. That's why I knew how to possibly answer some of their, I think the word was, inaccuracies. But I have to go on and try to speak to this bill because it's a very important bill.

Bill 179, the Government Efficiency Act, 2002, will indeed help Ontarians receive better service. After all, that's what good government is all about. Let me assure you, having been in business in the private sector for some 35 to 40 years, I know the importance of customer service. Unfortunately, governments in the past have forgotten that. We have to get back to realizing that those folks out there are the ones who are paying the bills. We have to make it as efficient and effective as we can for them to conduct business.

Just take a look at an amendment that would be used by the Ministry of Northern Development and Mines. If the bill is passed, the proposed changes to the Mining Act will allow discretion in waiving or reducing interest penalties to licensees on overdue accounts. Currently the act had been considered overdue, even in cases when a rental invoice arrived after the rent due date. The Ministry of Northern Development and Mines would use the government efficiency bill to try to improve its service to its clientele.

But Bill 179, the Government Efficiency Act, also demonstrates the government of Ontario's commitment to the protection of Ontario's wildlife, an area that I am very concerned about. An amendment to the bill before the House would clarify legal ambiguities and close a loophole that could allow the illegal sale and marketing of specially protected Ontario wildlife. The proposed change would remove the right of a person who does not have a licence or an authorization from the minister to keep an individual member of any specially protected wildlife species for the purpose of personal education. The removal of even a small number of individual specimens from a species that is endangered, threatened or vulnerable can put the sustainability of an entire species at great risk. The proposed change will close a loophole that permitted the keeping of specially protected wildlife for the purposes of personal education without proper approval.

This bill would address a number of issues that have been raised as a result of constitutional decisions made in the courts. The Ministry of the Attorney General is updating the Health Care Consent Act, 1996, and the Substitute Decisions Act to ensure consistency between statutes with regard to the definition of "partner." This will bring Ontario into accord with the recent Supreme Court of Canada ruling regarding same-sex spouses.

This legislation also has important amendments put forward by the Ministry of Transportation. As the honourable members may know, the province of Ontario currently has the safest roads in Canada, with an average of 1.05 road fatalities a year for every 10,000 licensed drivers. We have the lowest rate in the country and the

second-lowest in North America. But again, there is room for improvement.

This government is continuing to work with many transportation partners to maintain and improve this record. In this regard, I would like to draw the members' attention to several road safety and transportation-related measures that are included in the proposed government efficiency bill. All of those transportation-related measures are related to improve safety, eliminate red tape and/or improve efficiency.

One measure I would like to highlight is a proposed addition to the Highway Traffic Act that would place a province-wide ban on the rebuilding, sale, advertising for sale, offering for sale, possession for sale and installation of rebuilt air bags. We are talking about a safety issue. We are talking about a life-saving device. We are talking about making sure that people are protected in their vehicles. It's like putting a couple of patches on a life vest. No thank you. I want to make sure I stay above the water, not below.

Members may be aware that a series of tests on rebuilt air bags were conducted last year in Quebec. These tests were done in response to a complaint about defects in rebuilt air bags that were being sold to auto repair companies by Ontario-based firms. All of us in this House know that there are various products that are manufactured out of province and indeed from Quebec that find their way into Ontario. I can tell you that I don't want my wife or my grandkids in a car with a rebuilt air bag, on the possibility that a death could occur. These tests confirm that the rebuilt air bags are unsafe and could seriously injure the occupants in the vehicle in which they have been installed. As a result, the Ministry of Transportation issued a province-wide news release to alert motorists of the potential dangers of this equipment, which is indeed dangerous.

Since then, the ministry has also conducted an aggressive public awareness campaign warning people of the dangers of rebuilt air bags. The ministry has also sent enforcement officers out to visit auto repair shops that may have purchased rebuilt air bags from Quebec to encourage these dealers to get in touch with affected customers. We must take total responsibility. We must indeed be responsible.

As I mentioned, the proposals in this bill would make it illegal to build, sell, advertise for sale, offer for sale, possess for sale or install rebuilt air bags in Ontario. This legislative action reflects the government's concern about this serious road safety issue. By implementing a province-wide ban and launching a public awareness campaign, the government aims to protect every motorist in Ontario from the hazards posed by rebuilt air bags.

I'm going to pass my time on to the member for Bramalea-Gore-Malton-Springdale because I know that what he has to say is very important to this debate. We have set a course of improving government customer service for Ontarians with this bill and of achieving regulatory excellence; we will do that. I'm very proud to be a member of the Red Tape Commission. If we can do

anything to improve customer service in this province, I for one want to be part of it.

Mr Gill: First of all I want to compliment the member, my esteemed colleague from Peterborough, who so eloquently spoke on the bill. Where other people just kept saying “omnibus bill,” he spoke on the bill. He talked about what’s in there.

I’m so very happy as well to be a member of the Red Tape Commission. One of the things we have in the Red Tape Commission is that each and every bill the government proposes to bring forward has to come to the Red Tape Commission to make sure that the people in Ontario are not being subjected to red tape, unnecessary regulations. As you know, previously in my two-minute hit I spoke about the wonderful conference that we hosted and attended, Red Tape to Smart Tape. I’m quite pleased this evening to speak for-only seven minutes left now—on the bill, which is what other people call the omnibus bill or enormous bill, but it really is—the people at home should know what we’re talking about—the Government Efficiency Act, 2002.

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These proposed amendments, if passed—we have to assume after debate that people will make up their minds as to which way they’re going to vote; therefore it’s customary to say “if passed, this bill”—will bring about changes to the Freedom of Information and Protection of Privacy Act, Municipal Freedom of Information and Protection of Privacy Act, Lobbyists Registration Act and the Public Service Act. As the member for Peterborough said, it’s going to improve the customer service. I think all Ontarians are expecting the government to improve the customer service, provide perhaps one-stop service. I’m quite pleased that the government is moving that way because I know now at the Ontario kiosks in the malls you can access a number of services. As many people know, I’m certainly in favour of the smart cards, provided people’s privacy is there. We should be moving toward that more and more.

Let me explain this particular bill. I’m pleased that this government is continuing its proud record of eliminating unneeded red tape and removing many of the outdated pieces of legislation that only serve to add complications without any real substantive benefit. I’m disappointed that it has taken so long for these to come forward, so I’ll admit that perhaps we should have done it earlier. The members opposite, when they were in government, never did anything like this. They felt it was the government’s job to increase the red tape; they felt it was the government’s job to make it more difficult for people to access services. We don’t believe so. We believe in less government. That’s why we were the government that reduced the number of people from 123 to 103 members. Like I said, it’s taken too long. Nonetheless, we’re working toward cutting through the red tape.

Much of this bill deals with legislation that is decades old and has never been seriously reviewed, debated, or put into the House for even routine housekeeping. That is the case with this cluster of amendments—long overdue.

It’s a perfect example of the years of neglect from previous governments that this government is still trying to disentangle. It never ceases to amaze me how much unneeded red tape is still on the books. As was said earlier, I think by another member, and I’m accessing the Hansard—Mr Beaubien, my esteemed colleague from Sarnia, said that this bill streamlined and updated—

Interjection: He’s not from Sarnia.

Mr Gill: Well, he should be from Sarnia, then. If this bill is passed, it will clarify, streamline and update dozens of acts of 15 different ministries. The bill would repeal 15 outdated acts and amend nearly 90 others. This government has already repealed more than 57 outdated acts, amended more than 200 acts and eliminated more than 1,900 unnecessary regulations since 1995.

The changes to the Freedom of Information and Protection of Privacy Act and to the Municipal Freedom of Information and Protection of Privacy Act are truly innocuous and routine. In fact, it only affects the French versions of the acts. When members talk about omnibus bills, what this really means is that it only affects the French version of the acts to ensure that they are consistent with the English versions. I don’t expect that’s a huge thing, but it has to be done.

It amazes me that it has taken so long for something like this to come forward, but it is a perfect example of the types of amendments that are brought forward in this bill. It amazes me, after the years and years of these bills being brought forward, how many of them remain on the books and still need to be perfected.

Most importantly, these changes do not affect the way in which a person might access information held by the government; they only make it easier. Nor would they change the government’s obligation to protect the privacy of those whose information they hold. They simply clarify a subtle difference between the two versions to ensure that people reading the act in different languages read the same law.

The only problem I see with this bill is the fact that it took so long to come forward because of the volume of amendments that came before it.

In regard to the changes proposed for the Lobbyists Registration Act, I know that this could seem like the government is trying to sneak in changes to the law so that it would loosen the restrictions on people lobbying the government. In fact, nothing could be further from the truth. There is nothing in this bill that would change the responsibility of a person who lobbies the government. A lobbyist would still be required to disclose the ministries, the lobby, who pays their salary and the matters for which they lobby. The bill only removes the need for cabinet to establish the processing fees by putting it in the hands of the registrar, subject to the approval of the Chair of Management Board. This just seems to make sense to me. There’s really no sense in making it necessary for cabinet to establish these rates, especially when the processing fees apply only to those who file paper copies of their forms. Those who file electronically are not subject to this fee.

As we all know, the use of electronic filing of government documents is becoming more and more popular. In fact, I'm told that almost no one files these documents manually any more.

As far as the changes to the Public Service Act are concerned, it was somewhat surprising to see that it was not already a requirement to inform an employee in writing that they had been released from employment. In fact, I'm told that this is a nearly universal practice. It seems very logical that we should put this standard in place.

So this, as I have explained—and there are many more talks that I have, but I don't think I'm going to get to them tonight—but I want to assure the people at home that it's a reduction of the red tape. I'm quite sure that after the members opposite do end up reading this bill and talking about this bill, they'll support it.

The Deputy Speaker: The members now have up to two minutes for questions and comments.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): Members of this House will perhaps forgive some of us opposite here when we begin to worry a little bit about whether it's an omnibus bill or an ominous bill; it's enormous. Folks, that means it's very, very large and it has all kinds of implications.

When I hear the blather about red tape on the other side, I can't help but think of the language we heard immediately prior to the Walkerton difficulty—eliminating all the red tape around water regulations. That was even before we got into eliminating some of these so-called efficiency experts who understood that *E coli* could kill you if you consumed it—but that's for another day.

The member from Bramalea-Gore-Malton-Springdale and the member from Peterborough spoke about the health care system. By the way, let me just say that I think the section on air bags is just great and long overdue. So that's part of the bill that makes some sense.

But I want to just spend the last 50 seconds or so talking about the health care system. I don't know if members opposite know, but 94% of the people who end up in the emergency wards of our four acute-care hospitals are there because they don't have a family doctor. If you want to talk about efficiency, particularly in the health area, that would be something you should be looking at.

Australia has a very good system—and I offer this to the government members free of charge. They made the decision, by the way, that they want to see more doctors. They recruit young people at a very early age and mentor them all the way through high school. They enter into contracts with them, in exchange for so many years of support, to in fact provide medical care back in the isolated rural communities from whence they have come. They don't have a doctor shortage problem in Australia—one small tip for the government opposite, if they're concerned about efficiency in health care.

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Mr Prue: I listened to the two speakers, one from the riding of Peterborough, the other from Bramalea-Gore-Malton-Springdale, with considerable interest, and a little

humour, I thought, thrown in as well. Although they were not trying to be humorous, I could not help but listen about the road safety and the red tape. There was much talk about air bags and I have to tell you the puffery that came out of the speaker was amazing. The hot air that also came out was really quite amazing and the ethereal comment on what was lighter than air was also really quite amazing. The reality is that this whole section on air bags, although overdue and probably needed, is really much ado about nothing.

The freedom of information from the second speaker talking about going to the kiosk and getting that information, the reality is that when you go to those kiosks, they are not personed, there is nobody there. If they are there, they can't answer the questions. If they are not there, the computer doesn't work. Quite frankly, they are frustrating for ordinary citizens. This has caused not a decrease in red tape but an increase in red tape because if you ever want to find out what is happening from one of those kiosks, you cannot find a person who is qualified to answer, or you cannot find a computer that is properly monitored to actually work.

You went on to talk about the changing of an act to change the French words to coincide with the English words, but I want to tell the member opposite that under the languages act of Canada it is quite clear that when the two are in conflict, the French shall predominate because the French language is written in such a way that it is far more accurate than the English words. Anyone in Canada who is a lawmaker or a lawyer who looks at the two acts will know that the French language act is the actual act that makes sense and the English one should be brought into conformity with the French and not vice versa.

Mr Bert Johnson (Perth-Middlesex): I wanted to just add my comments to the two distinguished speakers who were speaking tonight: Mr Stewart from Peterborough and Mr Gill from Bramalea-Gore-Malton-Springdale.

It was very enlightening to hear, first of all, that they had read the bill, because they were speaking about it, and secondly to hear their comments on it. Yes, I guess we could play a lot with the words of the repaired safety devices in cars, the air bags. It does bring up some visual things, but the actual fact is that it was a great danger and a safety impediment to anybody who bought a car. The point that I want to make is that the car didn't have a big sign across it: "This car is equipped with a repaired device from Quebec," or any other place. It didn't say. Nobody had any idea that these were even in our cars and that they were being used. So there are a lot of good things in this bill and I appreciated particularly those two members pointing out those things and the highlights that they have brought up in the bill. I am sure that we will hear afterwards, as a matter of fact, we may even hear from the party across, those things that are in the bill as opposed to those things that aren't. There are a whole lot of things that aren't. It didn't mention a thing about the beautiful town of Listowel and all of the great things that

happen there. I could go on and on. I just wanted to compliment them.

Mr Parsons: The word "efficiency" scares me. I know we've talked about air bags and it's great to focus on air bags, but the word "efficiency" scares me because I know that this government believes the most efficient form of government is dictatorship and let's move toward it.

So let's look at this bill. Look at the size of the bill. There's a lot more than air bags in it. Let's look at the part that affects democracy.

Under the amendments proposed by the Ministry of Natural Resources: "It provides for the minister, rather than the Lieutenant Governor in Council, to approve the authority's decisions regarding the employment and salaries of its staff"; "It provides for the minister, rather than the Lieutenant Governor in Council, to set the remuneration and expense" accounts; "It no longer requires the authority to obtain the approval of the Lieutenant Governor in Council" etc.

What this bill is trying to do is to move things behind closed doors. Right now, appointments are having to be done in public session and reviewed by the committee of the Legislature. This is an efficiency, but it is at the cost of democracy. It is moving things behind doors to allow things to happen quietly.

What's this government's track record when they can do things behind the doors, when they can do a walk-around and give away \$10 million to their friends? We know that when we see secrecy it's not efficient for the people of Ontario; it's awfully expensive for the people of Ontario.

We see that if one makes a donation to a leadership candidate there appears to be a correlation that instead of one and a half slot machines you get 800 slot machines. That's what happens when business is done behind closed doors. For a government that has preached accountability for school boards and municipalities and hospitals, let's have some accountability from this government. We haven't seen a report card from this government because, you know, it's easy to pick a victim and focus all of the public's look on them, pick someone and bad-mouth that person or that group or that organization, because it takes the public's eyes off what this group is doing, which is reprehensible.

The Deputy Speaker: One of the two original speakers may respond.

Mr Stewart: I'd like to suggest to the member from Prince Edward-Hastings that the report card was the election of 1999. It's called, put back into power the government that is accountable, that is responsible.

It's interesting when I hear something from the member from Beaches-East York about much ado about nothing. Would you say that when somebody is killed in a car accident because of an air bag that was deficient because it had been repaired, because it hadn't been repaired right? What would you say to them, to that mother or that father? Would you say that this is much ado about nothing? I suggest, if it were my grandkids or

my wife or my family, I wouldn't be talking about much ado about nothing.

I get absolutely overcome in this House when I listen to people who say things that have absolutely no relevance to what we're talking about. How soon they forget. How soon they forget about the lack of responsibility, accountability and efficiency back in the late 1980s, in the early 1990s. I made a comment about the member prior to me who said we didn't have a doctor shortage in Peterborough—absolutely not factual.

I look at this. I look at the endangered species; we are trying to protect them. Is that much ado about nothing? I don't think so. It's much the same as your comment about air bags.

Let me assure the members the report card was in 1999, and I can tell you as well the report card will be returning this government in the year 2003 or 2004.

The Deputy Speaker: Order, please. Further debate?

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I am very happy to have the opportunity to share some comments about Bill 179, the Government Efficiency Act. It certainly is my intention to focus my remarks on what is contained in the bill, and some of the concerns I have around what is contained in the bill.

It is a massive bill; it is an omnibus bill. It has been part of the record, and for those people who would be watching they would have heard that reference on more than one occasion over the course of this debate. It is a significant piece of legislation that impacts 15 ministries and it involves over 100 pieces of legislation. So—

The Deputy Speaker: Sorry, take your seat. I want to say to the government members, as I've mentioned earlier, I don't hear anybody doing anything deliberate, but all of you have loud voices that carry, and you're interrupting the right of the member to have the floor, and I know that none of you want to impede her right to have her say. So with that I would ask the member to continue please.

2030

Mrs Dombrowsky: I thank the members opposite as well, for your consideration.

With regard to the bill that we are debating, and I do want to focus my remarks on what is contained in the bill, one of the areas of concern that I have—I will read from the act, it's on page Roman numeral x, with regard to the Independent Health Facilities Act:

"The Independent Health Facilities Act allows the minister"—the minister—"to control the maximum allowable consideration for the goodwill value of the licence of the independent health facility in the sale or transfer of the facility. The amendments will remove from the act all controls over the maximum allowable consideration."

I want to spend a little bit of time explaining, for the people of the province and certainly on behalf of the people I represent, the impact of that very short part of the bill. In 1989, under David Peterson, the Independent Health Facilities Act came into being. In that act it was

defined that the licensing and the funding and the quality assurance required for health facilities would be regulated, that health facilities would be licensed and that the government had a responsibility to ensure that the licences were managed and transferred in a fair and equitable process, and that there should not be a bidding war that would get underway and that the highest bidder would ultimately be the service provider. There was a cap placed on the value of a health facility licence. This bill is going to remove that.

The other point I want to make on this is that the main purpose of that bill was to ensure that independent health clinics were properly regulated. This was to prevent the sort of US-style takeover that can happen when multinational companies come in and purchase a number of health facilities. However, this government has moved very quickly to dismantle the sections in the Independent Health Facilities Act. One thing it did—there was also a part of that act, when it was introduced in 1989—is it gave preference to Canadian companies. That was one of the first parts of the act that this government removed when it came to power. So there is no preference for Canadian suppliers of service to provide services within health facilities in Ontario.

For people in my riding, I think it would be fair to say that would be their expectation, that they would like to think that when health services are provided to facilities in our riding that those service providers would be Canadian at least. This government moved to remove that from the act.

Now, the second part, the second step that they are taking that will impact this particular part of the health facilities act is to remove the cap that exists at the present time for individuals or corporations who would want to purchase a licence to run such a facility. I know that the people I represent would see this as not appropriate, that there should be a cap, that there should be a level playing field, that it should not become a bidding war within our communities so that multinational companies, then, are able to come in and bid to purchase the licences and become the agent with the licence in our communities across Ontario.

Specifically related to that, we heard the members of the government opposite talk about the efficiency act and that it's going to remove the unnecessary red tape that exists that presents some significant problems for the people of Ontario. I guess the point I would like to make particularly about this part of the act, the independent health facilities portion of this act, is, how is it removing red tape? How is it really going to make a difference to the average person in my riding in terms of the red tape? I haven't had people calling my office saying, "We have so much red tape to go through dealing with this particular issue." I would suggest that the red tape in this particular case is really only going to benefit a very few.

I think it's important to state for the people at home that there are many sections of this act that, on their own, I would be able to support. The problem we have when we are presented with an omnibus bill of this size is that

while most of it—and I believe the member from Peterborough has made reference to some sections that are truly important and valid. He talked about some amendments to the protection of wildlife species. That indeed is important and I think is appropriately considered. The Highway Traffic Act as well is amended, and I don't personally have any problem with what is being presented around those issues. So I think it is important to understand that while regrettably I believe I am going to have to vote against this bill, it's not because I am totally against everything that is contained in it, but certainly there are sections of it that cause me enough concern and are problem enough for me that prevent me from saying that I support the legislation.

I'm very perplexed by that. I would hope that we lived in the kind of world where those troublesome sections could be removed and that we could talk about them, set them aside and see if there's a way we can come to some resolution. But I don't believe it is the intent of the government to move in that direction, with what is contained in the bill, and to address our issues in that way. So the only tool left at my disposal is to stand in the Legislature and only focus on those parts of the act that I have a problem with, that I am not able to support and that I don't think serve the best interests of the people in my riding or in the province.

Another part of the act that concerns me greatly is around the issue of transparency. We know there are sections of the act that actually step away from transparency, remove transparency. We on this side of the House believe that we should be moving toward more transparency whenever we can. We should be looking to make information available to the public that is available to various agencies within the government. However, within the body of this act, there are exemptions to freedom of information.

I noted with some interest when the member from Bramalea-Gore-Malton-Springdale talked about freedom-of-information issues within the act. He said there were, "some subtle differences to what is in place at the present time." Well, I would suggest that when you exempt an individual from freedom of information, that's more than a subtle difference; that is a significant change. It is significant in that the government is saying that this is a body or an individual who would be exempt from the scrutiny of the public reviewing expenditure patterns or whatever.

There's an example I'd like to bring to the attention of members of the government as a reminder to them of what can happen when the public does not have the benefit of reviewing that kind of information. A classic example was at Hydro One, where it was exempt from freedom of information and the public only learned about inappropriate spending practices at Hydro One from documents that were filed with the IPO. We are all painfully aware of what followed, what ensued when that information ultimately did become public. It should have been within the public domain much sooner than it was. Unfortunately it was not, because there was an exemption

to freedom of information. Within the body of this act we have yet another proviso that enables an arm of the government to be exempt from that kind of public scrutiny.

2040

I have a problem with that and, if that were not in the bill, along with some other sections, I could possibly support it. But I will not stand in my place and support a piece of legislation that in effect provides someone with a blanket, with a cover of secrecy in terms of how business is done, using taxpayers' money on their behalf, and they do not have the right to know how those dollars are spent on their behalf. So for that reason I'm not able to support this bill.

Another part of Bill 179 that is a problem for me is that it amends the Securities Act and the Commodity Futures Act so that appointments to the Financial Disclosure Advisory Board and the Commodity Futures Advisory Board become ministerial appointments. At the present time, people who would be appointed to those boards are order-in-council appointments. When there is an order-in-council appointment, it requires a process where names are made public, where every member of the Legislature has an opportunity to review who is intended to be appointed to all agencies, boards and commissions of this Legislature and any member of the Legislature can call someone who is intended to be appointed to a meeting for an interview. Basically, this is the only job interview these people will have for their appointment to that board. I think it's very appropriate. It certainly is a perfect opportunity for all members of the Legislature. The committee is made up of members of the government, the opposition and the third party. Naturally, the majority are government members and consequently intended appointees are almost always appointed.

However, having said that, because I serve on that particular committee, I am aware that from time to time, through questioning, it becomes evident that it might not be in the person's better interests to be appointed to a board, to pursue that, or it becomes clear that it might not be in the best interests of the people of the province for that appointment to be made. So on rare occasions—but it does happen—those appointments are reconsidered or people have chosen to withdraw from being appointed, which they are able to do.

The point I want to make with regard to the bill is that it removes that requirement, that opportunity for all members of the Legislature to interview someone who would be intended to be appointed to these two boards. That responsibility now rests solely with the minister. I believe that is very inappropriate and it's a very quiet way of slipping in something in a very innocuous manner. Nonetheless, in my opinion it is quite significant that the way people have typically and traditionally come to receive these roles is going to be changed with this piece of legislation.

The member for Bramalea-Gore-Malton-Springdale has indicated in his remarks that the efficiency act that we're debating tonight removes unnecessary legislation. I

guess with the issues that I've referenced, I'm having great difficulty understanding how it is unnecessary. How is it unnecessary that the people of the province have an opportunity to interview people who are intended to serve them on various boards; in this particular case, the Financial Disclosure Advisory Board and the Commodity Futures Advisory Board? How is that unnecessary? How is it that the people of the province are better served when those appointments are made directly by the minister, at the will of the minister? I'm having difficulty understanding and quite frankly accepting that it's unnecessary; quite the opposite, I think it is necessary. How is it unnecessary legislation that requires individuals or groups of people to be exempt from the freedom of information act? How is that unnecessary legislation? Quite the opposite: I think it is necessary and it should continue to be incorporated in the laws of our province for the good of the people who pay taxes and who actually pay for the information that they will no longer be able to access.

With regard to removing the cap on the licences for independent health facilities, how is that unnecessary legislation? What has the government been presented with that has convinced them that it's not necessary to have this cap? I don't know that that case has been put certainly in this room. I have to say that in my riding I certainly can't remember a call on this particular issue from anyone who would suggest to me that it is absolutely unnecessary to have this cap in place. So it naturally begs the question: why, then, is it here?

I know that there has been a great deal made about references that have been made during the course of this debate relating to government efficiency around realities that we all deal with in our ridings about the inefficiency of this government—glaring inefficiencies with regard to the Family Responsibility Office and the Ontario disability support program. We on this side of the House dare to remind the government that if you want to talk inefficiency, boy, can we tell you some stories. Then we get scolded by the government members. "You're not sticking to the script. This is an efficiency act and this is where we think we need to be more efficient."

I think we have some responsibility, and I will take the time to stand in my place to say to the government, you want to talk about being more efficient? Pay some attention to those families and children who are being denied the dollars that the courts of this province have said they deserve. Pay some attention to that. Any time you bring in a piece of legislation that aggressively looks to ensure that that money gets dispensed in a more timely way, I'll be the first to stand on my feet and support that legislation. Why isn't it here now? That's my question to the members of the government.

With regard to the Ontario disability support program, another area where there can be many improvements made around efficiency, why is it, then, that when people are determined to be disabled in this province, they wait months and in some cases upwards of a year to get money that is due to them? I've got to think in the

scheme of things, if there was a scale, some way to measure the importance of issues—when we talk about some of the things this bill deals with and how it really impacts people in their daily lives and when we talk about family responsibility inefficiencies and Ontario disability inefficiencies, I've got to think, if there was a scale, this bill would be on the light side of the scale in many respects.

So we put the challenge to the government, which has the role and the responsibility to bring forward meaningful legislation, to set an agenda in this province that really is going to have a positive impact on the people we represent. Consider those issues too. We have a responsibility in the opposition not only to comment on what's in the bill and where it could be improved or where it's just not acceptable, but also to speak about what should be in the bill and isn't. I'm very happy that I've had the opportunity to share with the people in this room where I think this bill falls short and why, therefore, I cannot support it.

The Deputy Speaker: Members now have up to two minutes for questions or comments.

2050

Mr Prue: I listened to the previous speaker and much of what she had to say. I think there were really three items that she spoke of in her 20 minutes that deserve comment. The first was appointments to boards and commissions. All of us in government, no matter at what level of government that may be—federal, provincial or municipal—from time to time are called upon to appoint people to boards and commissions. For the most part, most of that is quite benign, most of it seems to work out well and the best people are chosen for the job. But from time to time, as the government well knows—in fact, questions were raised today in question period—when it gets too close to home, when it involves previous people from the cabinet, previous people who have given money to one party or another, it may cause difficulties.

I was very pleased when the government—in a sort of side comment, the minister of culture and tourism announced that the Honourable Herb Gray has been appointed. It seemed to me to be a departure from the government and I welcome much more of that in the future.

She also talked about the dispensation of monies.

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): Culture and tourism aren't together.

Mr Prue: Sorry—tourism and whatever. Tourism, anyway. Excuse me.

She also talked about the dispensation of monies and ODSF. I've only got 35 seconds so I'd like to talk about the ODSF. She has hit upon a point that I think troubles many of us in this House. People who have disabilities in this province have been neglected for far too long. We realize they have been separated from the general welfare, which was a good thing, but the reality is that most of them living in Ontario have meagre incomes on which to live, and for the last number of months, the last

number of years, there has been no real increase. We really need as a government to look after the most vulnerable in our society, and we need to start making provision for their increase in revenues year on year.

Mr Parsons: I've learned that whenever my bank or my gasoline company tells me they're going to become more efficient, it's either going to cost me more money or less service or potentially both. This government loves to use the word "efficiency." People who are drawing money from the Family Responsibility Office know exactly what efficiency means; it means less service.

I do want to compliment the member for Hastings-Frontenac-Lennox and Addington because she read this document, went through it and precisely analyzed it. She did not read a speech prepared by the minister's office, as I suspect some of the members opposite did. This member very clearly read and understood this bill.

We face a dilemma on this side that she expressed in her comments: Parts of this bill are good; parts of this bill are excellent. But there's a hostage—an expression I didn't learn until after I came this Legislature—within the bill. You can take a very, very good item, put it in a bill, and then put 50 very bad things for the people of Ontario in it. Then when we vote against this bill—as we will have no choice but to do because it is taking and moving more things behind closed doors, removing public knowledge, removing public protection—this government will stand up and say, "The member for so-and-so voted against the air bag bill." It could be separated. There was no need to produce a document this thick. Or perhaps the need for this thick document is to make it almost impossible for the public to analyze it. When they go on to a computer to try to access a bill off the Internet, this is absolutely massive, and the general public will, I fear at times, abandon trying to read the entire document. I would suggest that may even be what this government wants: to put everything together in one bill so there isn't a real opportunity for the people of Ontario to become aware of it.

There is an obligation even more then on the members of the opposition to bring it forward. We're ridiculed. We're told, "What about the air bags?" If the air bag was that important, it could have been done otherwise.

Mr Johnson: I just wanted to add my comments to those in regard to the member for Hastings-Frontenac-Lennox and Addington. Indeed, she has read the bill and confined her remarks to those parts that interest her or at least have captured her remarks tonight.

It is a lengthy bill, no doubt about it. There are a lot of things that cross a lot of interest boundaries. I wouldn't like to suggest there's anybody who will take a great deal of interest in absolutely every one of the parts of the bill. I haven't heard, for instance, any comments so far on a part that interests and intrigues me, and that's the Insurance Act, the appointment of an actuary and so on. The reason I bring it up is that in the riding I represent we have quite a few of what are called farm mutual insurance companies. These particular changes will interest them if it affects their operations. Because they are not

big Bay Street firms and so on, they operate in a small community and depend a lot on volunteer help and the contributions of local members who are policyholders to help in the operation of their company. I appreciate the comments made and I look forward to more comments about other parts of the bill.

The Deputy Speaker: The last spot goes to the member for St Catharines.

Mr James J. Bradley (St Catharines): I was pleased that the member identified that we have a very complex omnibus bill, parts that are both supportable and not supportable. This has become a trend with this government toward this kind of legislation and it's most unfortunate. I always hope, in the best of all legislative bodies—what you would have were bills which were contentious, where there was considerable disagreement—that you could put those separate from those where there was clear agreement. The reference to the air bags—clearly I don't think anybody in the House would have opposed that—should have gone through in 15 minutes, that kind of thing. But if you put it in a bill with other provisions that are not supportable, at the end of the day the tricksters who sit in the Premier's office, or others who scheme these things out, send out the literature and say, "Well, he opposed this or he opposed that."

Some of the provisions identified, for instance, that are of concern are those which restrict the public's right to know. In regard to the Ontario Securities Commission, there's an amendment in addition to other exemptions. The Ontario Securities Commission will not be required to disclose any information that they receive from any person or entity other than an employee of the commission who provides services to the commission. In light of what has happened, particularly in the United States but in some Canadian jurisdictions, I think it's important that the public have as much information available as possible. I remember, when we were dealing with Hydro One and those exorbitant salaries were being paid and the provisions if you happened to get fired and so on, we couldn't get this information because they were exempted from the freedom of information act. It was only after the independent operator had some documentation that we were able to glean it from that. I think the member has been correct in exercising caution over this bill.

The Deputy Speaker: The member for Hastings-Frontenac-Lennox and Addington may take up to two minutes to respond.

Mrs Dombrowsky: I'd like to thank the members for East York, Prince Edward-Hastings, Perth-Middlesex and St Catharines for their remarks and comments. I appreciate it has been recognized that in an omnibus bill some parts are very good, and I'm very happy to say that there are parts that I would like to support. I would like to support the bill because it does include the section on air bags, which I think is important and will benefit the people of the province. I would like to be able support those amendments to the Highway Traffic Act. I would like to be able to support those sections that will protect

wildlife in our province. But, sadly, the bill has hostages, and those would be the parts that I referenced. Because of that, I'm sadly in a position of having to stand up and speak at some length about those parts of the bill that I have a problem with and why I have a problem with them.

The other point of my discussion is that I would hope the government, and this is second reading, would see fit to amend the bill as it has been presented because they share the concerns that have been put forward by the opposition, although I have to say in my brief time here I have not seen that. That is regrettable because I really think it is true democracy when we are able to listen to each other as representatives of the people and look for ways to make good laws in the province of Ontario.

2100

I have had to share with this House tonight why I don't think this omnibus bill is all about good law. There are some good laws in it, but not all of them will be good, so sadly, I am going to be in a position to vote against this unless it is amended before third reading.

Mr Prue: This is a difficult bill because it is so large, there are so many things contained within it. In fact, much of the bill is very good; I'm going to tell the members opposite, much of the bill is very good. But I have the same problem with this bill that I have had several times in the past.

I think back to my first year here in this august hall. There was an excellent bill for Durham College. I think all members of the House supported establishing a university at Durham College. I drove by there the other day and I saw the magnificent place it's going to be and the students were all happy to go to that facility; it's going to be the newest university in Ontario. But I also remember that it was tied into the budget, so that those members in the House who were opposed to where the government was going on the budget had no choice but to vote against Durham College.

I remember the day when it came up for debate. There were people sitting in the audience, here in the members' gallery. I told them not to worry, that I was sure the combined government forces would vote for the bill, that all the opposition members, including the Liberals and the New Democratic Party, and all the government members supported their view that Durham College should be established. The problem was that it was contained wholly within another bill that many of us did not appreciate and would not support.

The same is true of this giant omnibus bill that has been dropped upon us. "Omnibus" is actually from the Latin; it means "includes everything." This bill literally includes everything. I went through and tried to look at all the things this bill includes. It is really quite remarkable. It restricts the right to strike and to bargain. It talks about downloading. It talks about domestic violence. It talks about streamlining the privatization process. It talks about the employment standards. It talks about universities. It talks about legislation that's tough on criminals. It talks about the certified general accountancy act. It

talks about the Charities Accounting Act, the Commissioners for taking Affidavits Act, the Courts of Justice Act, the Crown Administration of Estates Act, the Domestic Violence Protection Act, the Escheats Act, the Evidence Act, the Expropriations Act, the Health Care Consent Act, the Justices of the Peace Act, the Law Society Act, the McMichael Canadian Art Collection Act, the Ontario Heritage Act, the Provincial Offences Act, the Public Accountancy Act, the Public Guardian and Trustee Act, the Regulations Act, the Science North Act, the Substitute Decisions Act, the International Interests in Mobile Equipment Act.

It talks about the Child and Family Services Act, the ODSP Act, the Ontario Works Act. It talks about, in amendment 10, the Alcohol and Gaming Regulation and Public Protection Act, the Boundaries Act, the Collection Agencies Act, the Gaming Control Act, the Land Registration Reform Act, the Land Titles Act, the Liquor Licence Act. It talks about the Registry Act, the Vital Statistics Act, the Statute Law Amendment Act.

It talks again about the Commodity Futures Act, the Credit Unions and Caisses Populaires Act, the Insurance Act, the Pension Benefits Act, the Securities Act, the Statistics Act. It talks about the Health Care Accessibility Act, the Health Insurance Act, the Health Protection and Promotion Act, the Immunization of School Pupils Act, the Independent Health Facilities Act, the Ministry of Health Appeal and Review Boards Act, the Trillium Gift of Life Networks Act, the Toronto Hospital Act.

It goes in section 5 to the Ambulance Services Collective Bargaining Act, the Crown Employees Collective Bargaining Act, the Employment Standards Act, the Labour Relations Act, the Workplace Safety and Insurance Act.

It talks about the Freedom of Information and Protection of Privacy Act, the Lobbyists Registration Act, the Municipal Freedom of Information and Protection of Privacy Act, the Public Service Act.

It talks about the Algonquin Forestry Authority Act, the Beds of Navigable Waters Act, the Fish and Wildlife Conservation Act, the Forest Fires Prevention Act, the Lakes and Rivers Improvement Act, the Oil, Gas and Salt Resources Act, the Public Lands Act. It talks about the Mining Act, the Northern Services Boards Act, the Fire Protection and Prevention Act, the Highway 407 Act, the Highway 407 East Completion Act, the Interpretation Act. It talks about the Ministry of Correctional Services Act, the Northern Services Boards Act, the Police Services Act.

It talks about the Ministry of Training, Colleges and Universities Act. It talks about the Highway Traffic Act, the City of Toronto Act, the Fairness is a Two-Way Street Act, the Milk Act, the Ministry of Transportation Act, the Ontario Northland Transportation Commission Act, the Truck Transportation Act.

I hope I didn't leave any out. That's what's in this bill. This is a huge bill making minor modifications. Now, we are asked to approve all of these things. The government has asked that all of these things be rolled into one bill. If

any member in the government or in the opposition finds fault with a single section, with a single act, in what is being proposed, our only alternative is to say no. Our only alternative is to tell you that we don't think this particular act should be changed or that what you're doing with this act is somehow improper. The reality is that most of what is contained in all these changes is probably agreeable to everyone, including members on this side of the House, members on the government side, the general public and the people who are directly affected by those acts. Most of them are nothing more than housekeeping.

I just want to talk about eight, just eight. Out of all those 25, 30, 50 or however many there are, there are only eight things that I think perhaps the government should look at. If you would withdraw them, if you would change them, if you would just think about them again, then certainly the remaining 40, 50 or whatever number is in there I would certainly be happy to support and I'm sure all members of the House would be happy to support.

The first one, and I think the fundamental one for me as a New Democrat, has to be the right to strike and to bargain. The Labour Relations Act and amendments quite clearly talk about construction and what was happening in Ontario several years ago, with the construction industry, where one unit, one bargaining agent of the construction industry, went out on strike, followed by another, followed by another, which delayed new home sales. We all know that the construction problem was a serious one. But this regulation says it is extended to the year 2005, and it allows people who have rights under the charter and the Constitution of Canada to collectively bargain and to strike for no more than 46 days every three years. Quite frankly, this is putting a little bit of a noose around the necks of men and women in the construction industry. Frankly, they need the right to strike for as long as it takes to get a good collective agreement.

I know some members opposite may think this is a difficult thing, and I would agree that a strike of beyond 46 days is difficult for everyone. It is difficult for new home buyers. It is difficult for the construction industry, the people who provide the jobs. It is difficult for all the ancillary industries, whether they be brick-making companies or lumber companies or people who make widgets or nails or anything else that goes into new home construction. But it is also difficult for the men and women who work in the construction industry to be hamstrung by saying that they cannot collectively bargain, they cannot strike beyond the 46-day period. Quite frankly, I would hope they never have to strike for more than a day in their lives—even a day might be too long. But the reality is that they have an obligation to themselves and to their members and to the families for whom they provide wages and money to make sure they can come to the best possible agreement they can. To limit them to 46 days, I would suggest, is doing a disservice to the hundreds of thousands of men and

women in this province who work in the construction industry and who provide an excellent service to all of Ontario, who provide huge monies to our treasury and who are the impetus of most of the growth that Ontario has shown over the past number of years.

2110

The second item that I have some difficulty with is the Employment Standards Act. All that is being changed here is a relatively minor change, because people can apply for a vacation as they always could if they get two or three or four weeks vacation per year. What the Employment Standards Act, in a change a year ago, said is that they could take it in as little as one-day increments or two- or three-day increments and that the employer no longer has to give anyone a two- or three-week vacation to which they're entitled. That was bad enough, but that's old legislation. What is being suggested here is that employees who ask their employer, "How much vacation do I have?" now under this legislation will only be able to ask them one time a year, "Can you outline for me how much vacation I have? I'd like to take another two or three days off." If six months goes by and they can't remember how much time they have left, they are not entitled, under this legislation, to go any more to their employer and say, "How much time do I have left? I'd like to take a few more days or a few more weeks off." The employer under this legislation—and the Conservatives are very proud of this; they asked the employers—if they don't want to provide this information, no longer has to tell them.

Quite frankly, this is extremely regressive. Why are you doing this? Certainly an employee anywhere in this province should be able to walk up to his or her boss and say, "How much vacation time do I still have left? My spouse and I want to go on vacation for two weeks down to Niagara to see the wine country."

Mr Bradley: Hear, hear.

Mr Prue: Exactly. "We want to do this. We want to take two weeks. Do I have two weeks vacation left?" Under this legislation, the guy says, "Come back next year and I'll tell you. I don't have to tell you now." Why you want to do that to any employee in Ontario is beyond me.

The third thing I have a problem with is the domestic violence—not that what you're doing isn't the right thing. What you've done is that you've limited this now to six pilot projects, and the six pilot projects will probably tell you a lot more than what your previous legislation said. The previous one said you had to provide protection from domestic violence 24 hours a day, seven days a week, 52 weeks a year. Clearly that has not worked. Clearly your policies have not worked. So you're now saying, let's go down to six pilots. I don't have a problem with that and maybe it's not a problem. But surely you must admit that whatever you're changing this from hasn't worked, and I would suggest to all of you to make it work.

Number 4 is my old bugaboo, the 407. The 407 has been sold off to private hands. Quite frankly, I have to

tell you it's one of the disgraces of this province. People who drive that every day know they're being gouged. They know they can't get information. They know, when the transponder stops working, that they can't get a new transponder. They know that when they can't get a new transponder, they pay transponder fees. They know that when they go to get a new transponder, you can't get on the phone; 407-0407 never, ever, ever, ever answers the phone. I challenge any of you to phone till midnight tonight. You won't get through. And if you go to the kiosk and say, "Here's my transponder," they will not deal with you.

There it is. You are going to now allow that if a cheque is bounced, if somebody on the other side sends in a cheque that bounces, they can lose their licence because of this legislation. Why should people lose their licence when a cheque is bounced when this corporation you have set up has done such an abysmal job in dealing with the public? All of those people in Toronto who regularly find transportation across the 407 have to think this is an abysmal thing you're doing.

I look at the next one, the Ontario Heritage Act, and I want to commend you for this one. This is a change that I actually commend you for. It gives a 40% tax break for the conservation easement. I commend you for it because it is better than what was there before. I don't think you've gone far enough—I have proposed a fund for a dynamic downtown in my own little urban vision—but I want to tell you that at least you are looking at what heritage properties need, and heritage properties need some money. What you have proposed here on the fifth thing—I've singled it out not to tell you that there's something wrong with it. It doesn't go far enough, but at least it's better than what it is now, and you should take a few bows for that one.

Number 6 is the immunization of school pupils. You have done a mandatory immunization of school pupils, which is excellent, but you have not included the disease of meningitis. Every year in this province children die of meningitis. If you are going to have a mandatory immunization of school pupils, which is a good thing, then please include something that actually kills them, because we need to protect those children, those young adults, from meningitis. If you are going to immunize them, please let us immunize them against diseases that can kill them, and meningitis is the one that stands out like a sore thumb. If your omnibus bill is going to include everything please let it include something that is going to save lives.

You talk about longer trucks and this one really got me, number 7. Section 25 of your bill talks about allowing for longer trucks. Those of us who drive on the 401, the 404, the 409, the 407 and all those 400 highways and all those hundreds of other highways across Ontario know about the big, long trucks. They're not nine-wheelers, they're not 12-wheelers, they're not 15-wheelers, they are enormous, and section 25 allows for even longer trucks. I for one want to tell you that I am opposed; so is an organization called CRASH, which looks at these big

trucks. Big trucks have difficulty manoeuvring, particularly on some of our smaller roads and highways. They have difficulty in changing lanes on our 400 series. I want to tell you that there has been a considerable problem experienced in this province over a number of years with crash fatalities with big trucks. Before we move into the area of great big trucks on our highways, please reconsider section 25 in this omnibus bill because it is going to allow for larger and longer and bigger and more weighted trucks with more wheels and more potential for problems. Surely the government has to rethink this and not slide this through in an omnibus bill.

The last one, number 8, is the review of the wage loss benefits. This may seem rather minor to most people, but there it is. It's the review of the wage loss benefits, and I'll tell you that this does not go near far enough for people who have sustained huge injuries in the workforce: people who have been sucked into machines, who have lost limbs, people who have been subjected to electric volts who have lost limbs, people who have suffered all manner of illness in their workplaces. This does not recognize that serious illnesses will recur. If somebody suffers an injury and for all the world in a year or two they appear to have been rehabilitated, say, to work on a computer instead of working in a factory or they've taken some education or they have been rehabilitated to the extent that they can use one hand with some kind of compression or other tool, and the world says, "OK, you've been rehabilitated and you're back to work and we've done the best," the reality is that many injuries over time will cause further problems for the individual. The review of the wage loss benefits does not recognize this. There is nothing in this omnibus bill that will allow the government or any government agency to reopen that and all I'm saying to you is that should be there.

I've only got a minute and a half left and I really want to tell you that the bill in itself—50 or 60 or 80, whatever there is provisions—is not a bad bill, but there are certain parts of this bill that any thinking person really needs to re-examine, not to vote for all of it. If you find any modicum of doubt that has come to you as a result of what I've said, if you've listened to anything that I've said, please examine these. If you're not satisfied that they're right, simply take them out of the bill. I will be more than happy, as I'm sure most of the other government members will be, to vote for the bill as it's structured without these things in it.

2120

If you insist that they go ahead, then the opposition will do unfortunately what we've always had to do in the past. We will vote against the bill, not because the majority of the bill isn't a good bill, as this one is, but the reality is that there are certain things that we think need to be improved; just as that day, and I'll come back to it, I had to vote against Durham College, although with all my heart I thought that it was the right initiative this government had taken to establish a university in the Oshawa area, to establish a new campus to get young adults into the educational forum. It was an exciting and

vibrant possibility that I stared right in the face and ended up having to stand up with the noes because it was lumped in with the budget bill. Don't do the same thing here. Take out the offending sections. Let us all vote for what is good and please examine those things that have been hastily put through. I think you can do a lot better.

The Deputy Speaker: Members now have up to two minutes for questions or comments.

Mr Gill: It was interesting to listen to the member from Beaches-East York who talked about every 400 series highway there is and needless to say he's quite afraid to be on any of the highways. He talked about the short trucks, the long trucks and all kinds of trucks. I know in the past he's been quite concerned, and I am too, with the gridlock on the highways and roads, and 410 is one of the examples. I'm quite concerned.

At the same time, it's part of progress as the economy progresses and more and more people are moving into these ridings like Bramalea-Gore-Malton-Springdale. It does create a bit of a backlog and people plan around it. They're happy to have more jobs and they're happy to be part of the progress. I've mentioned before there was somebody in BC—it was part of the Maclean's editorial, I believe—who moved away from the big cities into the so-called calm of Kelowna or whatever. Then he realized that's not what he wanted. He said, "The sound of traffic is the sound of progress." So he was quite happy to move back.

The member opposite spoke a lot about what is not in the bill. He did not speak much about what's in the bill, but what's not in the bill. He talked about meningitis; perhaps it should be. I'm not saying this bill has everything. Already you people are saying it's omnibus and it's got too many things, but I do agree there are many more things that we need to address. There is more to be done, as the member from Durham said earlier. We are here as the government to be able to address those concerns of the taxpayers to have a lesser government, to have a more efficient government.

Mr Bradley: I actually thought the member for Beaches-East York talked about what was in the bill. In fact, he brought to light something I hadn't seen in the bill in my first read of it, and that was the provision dealing with information on vacation pay. That is absolutely bizarre that people could not go to an employer and say, "How many days of vacation do I have left?" I was not aware until the member rose in the House that that was part of the bill, and surely that's something the government would change. A moderate such as Ted Arnott would never want to see something like this left in a bill of that kind.

The Highway 407 change gives yet another hammer to a corporation that is gouging the people of the province of Ontario over and over again on a daily basis. If you want to talk about calls to constituency offices, outside of the horrendous hydro bills that they're getting at the present time, outside of the huge and difficult doctor shortage that exists in the province and certainly in Niagara, Highway 407 is the favourite. I've had people I

know who are good life-long Tories phone with very uncomplimentary messages about Highway 407. So to give this corporation yet another chance to hammer people, it seems to me, is not appropriate. It's already taking its share of the money from people. It doesn't respond as quickly and efficiently as it should and it is, as I say, for many people an extremely difficult circumstance.

Also, allowing the longer trucks in the province, particularly in the wintertime; people who are seeing these trucks pass them, it's enough, to keep the slush off your windows with the trucks at the present time going by at a speed they shouldn't be going and splashing slush all over your window, without the truck having to be several feet longer at this time.

So I thought the member identified many weaknesses in the bill and should be commended for it.

Mr Gilles Bisson (Timmins-James Bay): First of all, let me apologize for not having a suit on. I just got off a plane from Timmins. Trying to get from Timmins to here took about eight hours today, with mechanical stops and everything else that happened.

But anyway, I just want to say I listened to the member for Beaches-East York who spoke to this, and I thought, like the member for St Catharines did, that he actually spoke to the bill. I thought it interesting that the only Tory who got up and spoke said, "Oh, he didn't speak to the bill." I just say to the Tory member, read your own bill and you'll figure out he was talking to the bill in the first place.

I thought he really got to the crux of the problem because part of the problem we have in this Legislature is that the committee process doesn't work. When the committee process doesn't work, it means you don't have the ability to fix sections of the bill that the member had pointed out. Let's just think this out a little bit and let's just dream a bit. Let's just blue-sky.

Imagine if we had a committee process in this assembly that actually worked, a committee process by which members who have concerns about particular issues could go to committee, that people would be allowed to present on the bill, that there would be some opportunity to discuss and debate why an amendment is needed and actually be able to amend it. Imagine what that would do. It would be like Utopia in Parliament. Members of the opposition would be able to support a great number of government bills if only we could amend them.

We understand there are certain bills that the government doesn't want to amend, and neither would I: a budget bill, a major initiative on the part of the government. Those are ideological and we understand that. Bills like this are basically housekeeping bills, as we see them, but the government throws everything in it and always manages to throw things in it that you can't support because it's nuts, like you can only go to your employer once in a year and ask for holidays. What's the

matter with you guys? Are you drinking the Kool-Aid over there as well? I don't know what the heck you guys are up to.

Another part of the bill says we're going to give the 407 the ability to take away people's driver's licence if they don't pay their toll. We know the problem is that the 407 and the whole toll issue, which we'll get into at another time, is broken. So certainly we're not going to vote for the bill in its present state.

The Deputy Speaker: One further spot left. Hearing none, then back to the member for Beaches-East York for an up-to-two-minute response.

Mr Prue: I would like to thank the members for Bramalea-Gore-Malton-Springdale, St Catharines and Timmins-James Bay for their constructive comments.

Just to deal with each one of them in turn, the member for Bramalea-Gore-Malton-Springdale talked about gridlock and people being happy with gridlock. I want to tell you, this is the first time in my long career in municipal and now provincial politics that I have ever heard anyone talk favourably about gridlock. Everywhere I have travelled in this province, everywhere I have gone in a major urban area, everywhere in the greater Toronto area, speaking with mayors—I once was a mayor on the greater Toronto area council with Hazel McCallion and the mayors from all of the 27 municipalities, as we then were—the number one problem was always gridlock. People talked about ways of improving the highways to get them moving, to keep them going.

One of the ways of getting the highways moving again—I have heard this most recently, surprisingly, of all places, coming out of Ottawa—is to start talking about having commercial transportation use alternative routes. Maybe commercial transportation could use the 407 and leave the 401, as an example, free for non-commercial vehicles. People are starting to talk a whole range of things.

I want to thank the member for St Catharines, who talked about the 407. It is one of my bugaboos. I think of all the corporations that impact on people in the GTA, this is the one that is the most maligned and perhaps the most understood—not misunderstood. What they are doing is not in the best interests of the customers they are serving. It is certainly time for this government to rein them in and certainly time for them to act professionally and perhaps, need I say it, act like a public corporation in the public interest instead of in their own interests.

Last but not least, the member for Timmins-James Bay is absolutely right. We need a better committee system where we can actually make changes to good bills to make them better.

The Deputy Speaker: It now being so close to 9:30 of the clock, this House will stand adjourned until Tuesday, October 22 at 1:30.

The House adjourned at 2129.

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CONTENTS

Monday 21 October 2002

SECOND READINGS

Government Efficiency Act, 2002,

Bill 179, *Mr Flaherty*

Ms Di Cocco2279, 2288

Mr Kormos..... 2287

Mrs Papatello 2282

Mr Prue2286, 2291, 2294, 2296
2300

Mr Gill2287, 2290

Mr Parsons2287, 2292, 2295

Mr Stewart.....2288, 2292

Mr McMeekin 2291

Mr Johnson.....2292, 2296

Mrs Dombrowsky.....2292, 2296

Mr Bradley2296, 2299

Mr Bisson..... 2300

Debate deemed adjourned 2300

TABLE DES MATIÈRES

Lundi 21 octobre 2002

DEUXIÈME LECTURE

Loi de 2002 sur l'efficience

du gouvernement, projet de loi

179,

M. Flaherty

Débat présumé ajourné..... 2300

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Government
Publications



No. 46A

N° 46A

ISSN 1180-2987

Legislative Assembly of Ontario

Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Tuesday 22 October 2002

Mardi 22 octobre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers

OCT 29 2002

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 22 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 22 octobre 2002

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

KIDNEY DIALYSIS

Mr Dave Levac (Brant): I rise in the House today to highlight a very important issue that affects a large group of people in my riding of Brant. These are kidney dialysis patients in Brant who must travel to Hamilton, usually three or four times a week, to receive life-saving kidney dialysis treatments. The people who use these services in Hamilton are too unstable to utilize the kidney dialysis services that are offered in Brant and are forced to go to the centre of excellence at the St Joseph's hospital in Hamilton. These very ill and elderly patients must pay considerable transportation costs out of their own pockets to make the trip to Hamilton. Should they choose not to pay for these transportation costs, these people will die without their treatments.

I have written to the Minister of Health, I have spoken to the Minister of Health and the Minister of Community, Family and Children's Services on this issue several times, and have included personal letters from my constituents affected by this desperate situation. To date, there has been no relief for these people who are spending more than \$300 to travel to and from Hamilton to receive their treatments: \$15,000 annually.

Most of these people are elderly and live on fixed incomes. Some go without food and other medical expenses to afford these treatments, because without their kidney dialysis they will die. Presently, there are approximately 70 patients travelling to Hamilton, 40 of these patients from the riding of Haldimand-Norfolk-Brant. Of the 30 patients from Brantford, 15 can't find treatment any other way.

I implore the government to do the right thing and make some assistance available to these patients.

JOB CREATION

Mr Bart Maves (Niagara Falls): Ernie Eves's Ontario stands as a shining light of economic growth and activity among the dim world economy. Today I stand to applaud this government's reforms, which have created 987,000 net new jobs in Ontario since 1995.

The most recent job creation numbers include 32,300 new jobs in September and 42,700 jobs in August. This was Ontario's best monthly job gain since 1989. These statistics are all the more remarkable when one considers that the world economy has been in a slowdown for two years.

In Niagara, according to the labour market bulletin for April-June 2002, the St Catharines-Niagara area posted its largest quarterly employment increase in two years. The area saw a net gain of 10,600 workers in the second quarter, most of them full-time. The Niagara area unemployment rate stands at 7%. This is quite remarkable when one considers that in 1993 the Niagara area unemployment rate was at 15.3%. I was quite encouraged by this information in the labour market bulletin. I also know that since this report I have attended new business openings in Niagara that have contributed to the creation of even more jobs. Niagara has a permanent casino to look forward to, thanks to the Ernie Eves government, with construction on time and on budget for spring 2004.

RALLY FOR ISRAEL

Mr Mike Colle (Eglinton-Lawrence): Last night in my riding of Eglinton-Lawrence at Shaarei Shomayim synagogue, an overflow crowd of over 600 people, including the member from York Centre, Monte Kwinter, and myself, attended a rally in support of the people of Israel as they suffer terribly from cowardly terrorist acts like yesterday's, when at least 14 innocent civilians were blown up by another suicide attack. The evening's highlight was the awarding of four outstanding journalist awards by B'nai Brith Canada to recognize significant contributions in support of Israel by a journalist. The four journalists recognized were Rosie DiManno of the Star, John Downing of the Sun, Marcus Gee of the Globe, and Stewart Bell of the Post. Also recognized were the outstanding achievements and contributions made by the late Johnny Lombardi promoting multiculturalism, diversity and greater understanding among all people.

At this most difficult time for the people of Israel and their many friends and relatives who are here in Canada, last night helped deal with the pain and suffering of terror. Last night said loudly and clearly to all victims of terrorism, whether in Israel or in Bali, that you are not alone. Together we will defeat the terrorist plague that is the scourge not only of Canada but of the whole world. So together we stand with the people of Israel and all people who are victims of terrorism.

VOLUNTEERS

Mr AL McDonald (Nipissing): Today I rise before the House to discuss the importance of volunteering. I recently had the privilege of attending my first event as parliamentary assistant to the Minister of Enterprise, Opportunity and Innovation, and I saw the value that was gained when youth were recognized for their involvement in business and entrepreneurial initiatives. Ontario continues to grow and prosper and is steadily becoming one of the forefronts of competition in the global economy. And you know what? Within each successful company, within each major business, there are people who go above and beyond the call of duty and all for the betterment of others.

It is the people who volunteer who really deserve praise. They do it because they care. They give to us and to Ontario their precious time and their desire to be kind to those around them. One out of every three people over the age of 15 in Ontario volunteers. This is a noble trait and I believe one that should be recognized.

Volunteers have amazed us with their abilities and their desires to help others. The best thing about volunteering really is the fact that you know they are fulfilling by aiding in the betterment of something bigger than themselves. When you think about it, what does "volunteer" mean? It means that because of you there was a senior citizen who had someone to talk to instead of being lonely. It was because you volunteered that a child scored his first goal, made a big save or enjoyed the feelings of friendship and teamwork. Being a volunteer could mean that a child is looked after and a single parent gets a needed rest. Any way you look at it, volunteering is something you will never forget or regret.

HYDRO RATES

Mrs Marie Bountrogianni (Hamilton Mountain): Words cannot begin to convey the outrage over the hydro bills in my community. What do we need to do get the message through? Surely your constituents have told you, the media have told you and the Liberals are telling you, what more needs to be done before you give our constituents the rebate to help ease this pain? Government is supposed to act as the public's trustee, not Bay Street's trustee. Seniors living month to month on pensions are being penalized with demands for \$120 security deposits after being unable to pay, for the first time in their lives, their hydro bill.

Does the Premier have any idea how this hydro experiment impacts on families, especially families who have a child with special needs? Denise McKee would like him to know. Denise has two sets of twins. One of her twins is autistic. To make sure that Conlan receives all the attention he needs to succeed in life, the McKees have given up a second income so that Denise could stay at home and help train him. In addition to paying for additional medical services, the McKees, courtesy of Ernie Eves, also have a hydro bill that has doubled.

My constituent Donald Burroughs speaks for all my constituents when he says, and I suggest that you listen, "Please do what you can to express my disdain. I'm afraid that this is another 'created crisis.' I could have never anticipated a 103% increase. My wages have not gone up 103% to support this."

We demand that Ernie Eves introduce consumer protection and tougher regulations, and that he give my constituents the rebate they so desperately need.

1340

VISITING HOMEMAKERS ASSOCIATION OF HAMILTON-WENTWORTH

Mr David Christopherson (Hamilton West): For more than 70 years the Visiting Homemakers Association of Hamilton-Wentworth provided skilled and caring home care services to thousands of clients, including those with disabilities, terminal illnesses and special-needs children.

After more than half a century of cost-effective, high-quality service, the VHA in Hamilton was forced into bankruptcy as a direct result of the home care crisis created by this government. A full-scale community effort to save the VHA was mounted but failed. The Eves government could have intervened but refused to help as more than 400 caregivers lost their jobs and thousands of clients lost services.

Hamiltonians are still in shock that this government refused to act. The loss of the VHA is a major blow to our community and a major embarrassment for a government that is supposed to be facilitating the delivery of home care services across the province.

Your abandonment of the VHA is sending shock waves around the province. One service provider we spoke to said, "There but for the grace of God go any of us."

The Ontario Community Support Association says, "The home care crisis in Hamilton is just the first domino in a long line of vulnerable home and community care providers now threatened with eventual closure. People will be forced out of their homes, where they want to be, and into nursing homes."

Seniors' services around the province are threatened, and your inaction has destroyed an outstanding home care service provider that was in business for more than half a century. The citizens of Hamilton are outraged and they rightfully hold you completely accountable.

FLORENCE KEHL

Mr Bert Johnson (Perth-Middlesex): I rise today to congratulate a very special individual from my riding of Perth-Middlesex. Florence Kehl of Stratford received the Ontario Medal for Good Citizenship at a ceremony held here at the Ontario Legislature last Friday.

The Ontario Medal for Good Citizenship was established in 1973 to recognize people, who through exceptional long-term efforts have made outstanding

contributions to their communities. Florence was one of 12 recipients from across Ontario to receive this prestigious award from Ontario's Lieutenant Governor, the Honourable James K. Bartleman.

Florence, who was nominated by the city of Stratford, is the founder and executive director of the House of Blessing. For more than 19 years, the House of Blessing has been providing programs and services to the people of Stratford and the surrounding communities. The House of Blessing provides food, clothing, toys, furniture, counselling and spiritual advice to several hundred people every month.

In handing Florence her award, the Minister of Citizenship made mention of the fact that Florence mortgaged her house to help fund the establishment of the House of Blessing 20 years ago.

I would ask all members of the Legislature to join me in thanking Florence Kehl for her dedication and in congratulating her and the other 11 recipients on receiving this prestigious citizenship award.

GOVERNMENT'S RECORD

Mr Gerry Phillips (Scarborough-Agincourt): It's been almost two weeks since Premier Eves ordered a high-level search of government offices to root out any more political bombshells the mean previous PC government left behind.

It was a nasty trick that the previous government's ministers—Ecker, Tsubouchi and Cunningham—played on Premier Eves, leaving him the \$10-million tax break for the sports teams, and deliberately timing it to occur just after he became Premier-elect and before he was sworn in. I don't blame Mr. Eves for being mad.

We're all awaiting the outcome of the Premier's intense office-by-office search for more political bombshells left behind by the "previous government." We're anxious to see if any of the 22 members of the current cabinet who were in the previous government's cabinet left any more political bombshells to deliberately sabotage the new government.

Most importantly, I sure hope the number two guy in the previous government, Mr Ernie Eves, who was the right hand of Mr Harris and Minister of Finance, who proudly did most of the cutting, isn't surprised by any political bombshells he left behind for himself, because I'm certain he'll be very angry with himself.

DOG WALKATHONS IN DURHAM REGION

Mr John O'Toole (Durham): As usual, I'm pleased to rise in the House to congratulate the Lions Club of my riding for two successful dog walkathons that raised over \$20,000 in support of the Lions Foundation. The funds are for a program that trains and equips guide dogs for the blind.

Each October, the Newcastle Lions Club holds a walkathon as part of the Newcastle and District Chamber

of Commerce fall festival. On October 5, the Newcastle Lions raised an estimated \$18,000 for the foundation. This was made possible by more than 100 people with their pets who walked around the community. In particular, I'd like to mention Terry and Jean Graham as well as Murray Paterson, one of the organizers, and all the members of the walkathon committee.

This is a project that includes both the Newcastle Leos Club and the Lions Club. I am sure that club president Hans Verkrusen and all of the members are pleased with the community support. It's the eighth year for the Newcastle walkathon and the volunteers estimate that over \$100,000 has been raised in that time.

The following day, on Sunday, October 6, the Blackstock and district Lions Club embarked on their first dog walkathon. Again, this was another all-round community effort with a total of 45 walkers and pets included. Organizers estimate that over \$4,000 was raised, with pledges still coming in.

Eleanor Colwell, chair of the Walk for Dog Guides committee, Lions Club president Chris Cliff, the Cartwright Leos Club and the Lions are to be congratulated on a job well done. I'd like to thank them for their contribution to making our community a better place to live and raise your family.

VISITORS

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I know I join all members in the House in welcoming in the visitors' gallery opposite students from Father Serra school in Etobicoke.

On behalf of the official opposition, it's so nice to see that many red ties on that side of the House. Welcome.

Mr Mike Colle (Eglinton-Lawrence): On a point of order, Mr Speaker: I wanted to mention that my niece, Rachel Colle, is a student at Father Serra school.

The Speaker (Hon Gary Carr): Now we know why they're on that side looking toward this side.

While we're introducing some distinguished guests, we have with us today in the Speaker's gallery the Honourable Firoz Cachalia, Speaker of the Gauteng Legislature in South Africa. He is here with a delegation who have come to our Legislature on a study tour. Please join me in welcoming the Speaker and the honourable guests.

APRIL HOPKIN

Hon Robert W. Runciman (Minister of Public Safety and Security): On a point of order, Mr Speaker: I understand that we have unanimous consent to offer condolences to the family of a fallen firefighter.

The Speaker (Hon Gary Carr): Unanimous consent? Agreed.

Hon Mr Runciman: I rise in the House today to recognize the tragic passing in the line of duty of a volunteer firefighter with the Goulais River Fire Department.

April Hopkin was responding to a traffic accident on Highway 17 north on Sunday and died following a collision between her vehicle and another. She was just 22 years old.

April was the mother of two young children and had been a volunteer firefighter with the Goulais River Fire Department since 1999. Her husband is also a volunteer firefighter.

Firefighters are trained to work in burning buildings, to save people trapped in wrecked automobiles, to be there when we need them most. We're privileged in this province to have highly trained and professional men and women in our full-time and volunteer fire services. They do their jobs so well that sometimes we forget how dangerous and vital a role they play. Our volunteer firefighters risk their lives to respond to calls for help from their neighbours.

Firefighter Hopkin was the eighth firefighter in Ontario to die in the line of duty over the past 10 years.

1350

We owe all of our fallen firefighters and their families an enormous debt of gratitude. On behalf of the government of Ontario, I want to offer condolences to the family of April Hopkin. Our thoughts are with the brave men and women who make up this province's fire-fighting community. This is a very sad reminder of the risks they face to protect us.

Mr Speaker, following the comments of other members, I would ask, through you, that all honourable members rise for a minute of silence in memory of the all-too-short life of firefighter April Hopkin.

Mr Dave Levac (Brant): It is with sadness and respect that I rise in my place today, on behalf of Dalton McGuinty and the Liberal caucus, to offer our thoughts and prayers and indeed to pay tribute to April Rose Hopkin.

April died in a two-vehicle collision on Highway 17 north on Sunday, October 20, 2002, ironically the very same month we observe Firefighters' Memorial Day. The 21-year-old wife, mother, sister, daughter and friend was on her way to the Goulais fire department so that she could respond to another accident that happened farther up the highway. As a volunteer firefighter, April gave the ultimate sacrifice in service to her community and others.

This tiny township is just north of Sault Ste Marie. My colleague Mike Brown, the member representing this area, offers his personal and heartfelt sympathies to the family and friends of April, as do we all.

Seven members of the Goulais fire department were called to the scene of the accident to respond to this rescue. The OPP reported that the firefighters performed their duties admirably under these very trying circumstances.

April was a volunteer firefighter for just over four years. It was something she loved to do.

April leaves a loving husband, Colin, and two young children, Teely and Odyssey. To the family of April we offer our deepest sympathies and love as you continue your journey.

We offer our own thoughts and prayers to the members of the Goulais River fire department, led by Chief Bob Menard.

Today let us celebrate the triumph of the special life of April Rose Hopkin. Let us also be reminded of this special and important job that all of our emergency services respond to for us, day in and day out. These stark reminders are all too often.

I too would ask for unanimous consent at the end of these tributes to offer a moment of silence and calm to reflect on all the people in our hearts who have gone before us, especially those in the emergency services and especially April Rose Hopkin.

Mr Peter Kormos (Niagara Centre): April Hopkin was a member of that great sorority and fraternity of women and men who place themselves at risk as a daily part of their routine, as a part of their commitment to their community and to their neighbours. She was a firefighter.

I must tell you that all of us in this caucus were shocked and saddened yesterday morning when our colleague Tony Martin from Sault Ste Marie advised us of this tragedy. We stand once again today paying tribute to a young woman who, as a firefighter, put the welfare of others ahead of her very own, no two ways about it. I am convinced she was rushing to the accident scene that has been described so that she could lend her services in the shortest and briefest possible time to people who were very much at risk. In the course of doing that, she put herself at great risk.

New Democrats join every member of this assembly in expressing our condolences, not only to Ms Hopkin's family but to her colleagues, to her community. We're talking small-town Ontario here, and in small-town Ontario people do things a little bit differently than they do in Toronto and some of the other big cities in this province. There's a sense of community, I tell you, that is pervasive.

All of us in the New Democratic Party hope and pray that Ms Hopkin's family, her friends and her colleagues take some comfort in the acknowledgement—yes, I submit that today we speak on behalf of 11 million Ontarians here in this chamber—by 11 million Ontarians of the courage of Ms Hopkin and of her sister and brother firefighters, her commitment and her sense of duty, as well as her preparedness to sacrifice.

The Speaker: Would all members and our friends in the gallery please join with us in a moment of silence.

The House observed a moment's silence.

The Speaker: I thank all members and our friends in the gallery. I will ensure that copies of the statements by the honourable members go to the family.

It is now time for oral questions.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I think we were told the Premier would—

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Speaker, the Premier will be here.

The Speaker: Actually, what we can do is introduce the pages very quickly, which I was going to do.

LEGISLATIVE PAGES

The Speaker (Hon Gary Carr): As you know, we have a new group of pages, and I'd like to introduce them here.

We have Maureen Balsillie from Essex; Wade Carey from Sarnia-Lambton; Pramita Chakraborty from Beaches-East York, and she was in the parade today; Paige Elder from Bruce-Grey-Owen Sound; Grant Gonzales from Davenport, who was also in the parade today; Andrew Green from Parkdale-High Park; Alexander Koehler from Chatham-Kent-Essex; Hin-Hey Lam from Markham; Pierre Le Dreff-Kerwin from Elgin-Middlesex-London; Natalie Lu from Lambton-Kent-Middlesex; Michelle MacKinnon from York North; Kalaneet Malik from Niagara Centre; Matthew Mook Sang from Ottawa Centre; Emma Moore from Simcoe North; Michelle Proietti from Brant; Nazir Shergool from York West; Alexandre Souloire from Oak Ridges; Alexander Steele from Sault Ste Marie—

Mr Gilles Bisson (Timmins-James Bay): Formerly Timmins.

The Speaker: Formerly Timmins—Adrienne Stockwell from Mississauga West; and Lauren Wilson from Burlington.

Please join me in welcoming this new group of pages.

What we'll do while we're waiting is we can stand down—

Interjection.

The Speaker: There have got to be questions somewhere down the road.

If that's the case, we can move in rotation to the NDP and their questions.

Mr Peter Kormos (Niagara Centre): With respect, Speaker, I have questions for the Premier as well.

The Speaker: What we can do is then go to the—

Interjection: Let's just all sit around and wait for the Premier.

The Speaker: We can stand the first lead questions down.

Interjections.

The Speaker: Just a quick moment, if we can.

Just for some clarification, we can stand down the lead questions, and if the Liberals want to do that, we would stand down. If the NDP have the lead question as well, they can have their second question that they would like to ask.

With the NDP's second question, the member for Niagara Centre.

Mr Kormos: Once again, Speaker, if I may, we're required to wait for the Premier. Can I suggest a five-minute recess, which might resolve this?

The Speaker: I'm afraid we tried that. We got some noes. You need unanimous consent.

Interjections.

The Speaker: Problem solved. We'll just give him time to get settled.

We know you're always ready. Thank goodness.

It is now time for oral questions, and the leader of the official opposition.

Mr Dalton McGuinty (Leader of the Opposition): We'll judge that by the quality of his answers.

1400

ORAL QUESTIONS

KYOTO PROTOCOL

Mr Dalton McGuinty (Leader of the Opposition): My questions are for the Premier. On the matter of the Kyoto accord, you should know that is something we support without reservation. We believe global warming is real. We believe we owe it to our kids to be part of the solution put forward by the Kyoto accord. We also believe there are tremendous economic opportunities for Ontario in a cleaner, more energy-efficient economy. We also know where Ralph Klein stands on this issue. With both feet firmly planted in the 19th century, he's become an advocate for his oil and gas industry.

We know what Ontario families want. They want a cleaner environment and they want the new, clean job opportunities that come through the Kyoto accord. What we want to know today, Premier, is, whose side are you on? Are you on the side of Ralph Klein and the oil and gas industry, or are you on the side of Ontario families?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I'm obviously on the side of Ontario families, and that means not putting 450,000 of them out of a job.

Mr McGuinty: Premier, you should know there will be the usual wailing, gnashing of teeth and rending of garments from the business industry on this thing. Listen to the worst-case scenario described by the National Post in a column written by Andrew Coyne. He says in the National Post, "Those are the latest figures from the federal government: On the most probable set of assumptions, a reduction in economic growth of 0.4%, or about 61,000 jobs. To put the latter figure in perspective, that's about as many jobs as the economy currently spins off every six weeks." They go on to describe that the worst-case scenario talks about a 1.6% smaller economy over the course of eight years.

You will remember, sir, that during Countdown Acid Rain, Inco in particular said, "If we have to abide by these regulations, you're going to put us out of business." Today they are the most cost-effective producer of nickel on the face of the earth, and they're selling their technological know-how to the world. Why don't you stand up for the Kyoto accord, and by so doing stand up for a cleaner environment and lots of job opportunities?

Hon Mr Eves: to the leader of the official opposition, sure there are opportunities for new technologies and we stand fully behind that. Also, with respect to reducing

greenhouse gas emissions, there is nobody I know of who's not in favour of reducing those emissions. But he also knows that the federal government does not have a plan as to how they're going to do it. If they have one, it's well hidden. If you have it, perhaps you'd like to share it with us. The Prime Minister certainly doesn't have one. He does not have a concrete plan as to how he's going to achieve those targets without putting hundreds of thousands of Canadians out of a job. Now, if you're in favour of putting hundreds of thousands of Ontarians out of a job, you should stand up and say so in this Legislature.

Mr McGuinty: The sky is falling, Premier. I guess the sky is falling over there.

Your responsibility is to represent the future to the present. That's what leaders are supposed to do. And you know what? Fossil fuels are on the way out. Our responsibility together is to get our province over there. My clean air plan takes us three quarters of the way toward satisfying our responsibilities under the Kyoto accord. You may think it's acceptable, Premier, to sit on your hands and ask the federal government to come up with their plan. I think that's irresponsible. We put forward a plan. It talks about cleaner electricity generation, cleaner gasoline and greater investment in public transit. Now, that's a plan.

I'm asking you once more: why won't you stand up for the Kyoto accord, and at the same time stand up for cleaner air and more and better job opportunities for Ontario?

Hon Mr Eves: We are standing up for a cleaner environment. For his information, the Prime Minister of Canada and the federal government of Canada are not going to adhere to the Kyoto Protocol. They are going to count credits for all kinds of things they've done since 1990: for exports of natural gas since 1990, for oil since 1990, for planting trees in other countries since 1990. It's a joke. There is no plan. We are prepared to sit down with other provinces and the federal government and hammer out a concrete, made-in-Canada plan that will create hundreds of thousands of jobs and reduce air emissions at the same time.

RURAL EDUCATION FUNDING

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Premier. Premier, as I've been travelling around the province, I've been meeting with many groups of people in smaller communities in particular who have a very real concern about what's happening to their schools. You have a funding formula in place, Premier, which is biased against smaller rural schools.

I met with a group of parents. I thought it was going to be 20 people—I asked for a roundtable—in Glencoe. We were going to talk about the pending closure of a high school there. Some 250 people showed up. They told me they were very concerned about the fact that when this high school closes, you're going to rip the very heart and soul out of a small community. You're not just going to

remove educational opportunities from them, but it's going to cause terrible harm to the social and economic fabric of a small town in Ontario.

I'm asking you, Premier, on behalf of the people who are concerned about Glencoe High, and on behalf of so many families right across the province in smaller Ontario communities, what have you got against smaller rural schools which act as the heart and soul of their communities?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): We don't. I have represented a small rural riding for 21 years in the Legislature in Ontario, and I don't need any lectures from the boy from the big city of Ottawa on small rural municipalities.

Mr McGuinty: I never knew the Premier had such a kinship with the small-town folks across the province. You can certainly never tell on the basis of what he's doing to small-town schools.

Premier, I have in my hand today a report funded by your government, by Dr Allan Lauzon of the University of Guelph, and it's called *Rural Schools and Educational Reform: Should We Keep Rural Schools Open? A Review of the Literature*. Here are his conclusions. He says that kids in small rural schools have higher attendance rates, fewer dropouts, fewer behavioural problems, higher participation in extracurricular activities, a greater sense of belonging, less feeling of alienation. He says that students learn more and better in smaller schools, especially disadvantaged schools. He says that you're moving 180 degrees in the wrong direction. He says that instead of closing smaller schools, you should do everything to recognize the special value they hold, not only to their smaller communities but to the educational community.

I ask you again, Premier: why is it that you continue to have in place a funding formula that is biased against rural schools in Ontario?

Hon Mr Eves: It isn't. In fact, the whole purpose of the funding formula is so that every single student in this province, regardless of whether they live in Timmins, Timiskaming or Toronto, gets the same treatment with respect to education and the same opportunity. You are the leader who stood up in this House just a few weeks ago, screaming about how Toronto should be allowed to spend two, three and four times as much per student as a student deserves in Timmins, Timiskaming and other parts of the province of Ontario.

The funding formula for the first time places students across the province on an equal footing, where they deserve to be.

You're talking out of the other side of your mouth today, so whose side are you on? Are you on the side of spending two, three and four times more per student in some schools boards than they do in other school boards, or are you the Dalton McGuinty who today now wants to spend more money on those school boards that it was all right not to spend the money on a few weeks ago?

1410

Mr McGuinty: Premier, I'm sure the people of Ontario are going to want to know the basic difference

between you and me when it comes to school closures. Here is the difference: you took \$2.2 billion out of public education, forcing school closures. We are going to invest \$1.6 billion in public education to enable small communities to keep the rural schools open. That's a fundamental difference.

Here's something else that Dr Lauzon says, and I'm sure you're going to be very interested in this. He says, and I quote from his report prepared for your government, "The alleged savings that can be realized have more to do with rhetoric and ideology than with the empirical realities of what we currently know." He concludes that small schools are worth saving and worth the cost.

As I understand it, Premier, you would argue that the economies of scale simply don't hold true in smaller communities, and maybe we should never have run hydro lines into smaller communities in Ontario; maybe we shouldn't have hospitals in smaller communities in Ontario. But we on this side of the House, in this party, happen to value smaller communities and rural Ontario.

I ask you once again, why is it that you continue to have in place a funding formula that is biased against rural schools in small-town Ontario?

Hon Mr Eves: The leader of the official opposition is talking about a plan that he says he has to spend \$1.6 billion more over the next five years. We're already spending \$1.5 billion more than we were when we were first elected on this side of the House, and this year we're spending \$557 million more, over half a billion more in this year, partway through a school year. That makes your plan, quite frankly, pale in comparison to what we have already done and will continue to do as we go forward and as Dr Rozanski's report comes in on the funding formula.

It is because of those needs of students in different parts of Ontario that we changed the funding formula and that we will continue to change the funding formula so it can address not only boards of education, but individual schools within boards of education, so we can do what's best for each child in the province, regardless of what circumstances or geographical location they happen to be born into in the province of Ontario.

KYOTO PROTOCOL

Mr Howard Hampton (Kenora-Rainy River): A question for the Premier: Premier, Ontario should be the green giant when it comes to Kyoto. We should be leading the way to cleaner air. But you are making the situation worse by selling our public hydro system to private polluters like TransAlta who are fighting tooth and nail against Kyoto, private polluters who want to run dirty coal-fired generating stations full blast because they can make more money. What is the logic of selling Ontario's hydroelectricity system to the very corporate polluters who are fighting tooth and nail against Kyoto?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): If the leader of the third party is talking

about TransAlta's \$400-million investment in a gas-powered plant in Sarnia, then I think he'd better check his facts.

If he's talking about the Bob Rae government that did absolutely nothing about polluting the environment and burning fossil fuels, he was a cabinet minister in that government. Why didn't he stand up and be counted on what is now, he says, a very important issue to him, a matter of principle? Obviously you had no principles or you didn't care about the environment between 1990 and 1995.

Mr Hampton: Premier, you're the government that wants to sell a publicly operated hydro system to the same corporate polluters who have shown their colours in the United States. Deregulated, private hydro there means that coal is king and clean air goes down the drain. That's the historical reality.

Ontarians don't want the American way. Ontarians want cleaner air. They want accountable public power. They want binding smog reduction targets and they want tough enforcement.

So, Premier, will you endorse Kyoto and cleaner air today?

Hon Mr Eves: I will endorse cleaner air today and every day because that is the future of (a) our province and (b) our country. But let me make it clear that the federal government has no intention whatsoever of strictly adhering to the Kyoto Protocol. They are going to come up with their own scheme of credits, things they've already spent money on and things that have already been exported to the States, in some cases 12 years ago, and they're going to count those as part of meeting the Kyoto Protocol, much to the chagrin of those in the international community.

I think we need an honest and transparent objective that we can reach, that is made in Canada by Canadians, that every province can take part in, and there can be realistic goals that we can meet not only to clean up the environment here in Canada but worldwide and to create jobs at the same time.

Mr Hampton: Premier, if your issue is that the Liberals in Ottawa are being wishy-washy on Kyoto, that's probably true, but the real question is, are you prepared to be a leader? Are you prepared to lead the way?

Ralph Klein, the corporate front man for the polluters, is going to be in town today and of course he's going to fearmonger about Kyoto. You know that Ontario has the worst air in Canada and we are the economy that is the least dependent on oil and gas production. Eighty per cent of Ontarians want you to endorse Kyoto and cleaner air. The question for you is this: are you Ralph Klein's poodle or are you going to be the green giant? Will you show some leadership on Kyoto?

Hon Mr Eves: With respect to clean air, the province of Ontario has been at the forefront in leadership with respect to Drive Clean, with respect to phasing out Lakeview by 2005, with respect to not agreeing to sell Thunder Bay and Atikokan this summer to US interests that wanted to continue to burn coal unless they're

prepared to convert them to gas, with respect to continued technological improvements to both Nanticoke and Lambton to reduce emissions there by 80% by next year. That is the commitment on this side of the House. We will continue to drive forward and lead the country with respect to greenhouse gas reductions.

TORONTO TRANSIT COMMISSION

Mr Howard Hampton (Kenora-Rainy River): Premier, if you want to show some leadership on the issue of dealing with smog and greenhouse gas reduction, there's something very practical you could do today. The TTC has announced that they will have to increase transit fares once again because your government doesn't support public transit. When you don't support public transit financially, it drives more people into their cars, which means more smog and more greenhouse gases. You could show leadership today by announcing that your government is prepared to properly fund public transit. Will you do that today and show leadership?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): TTC has received more than \$1.8 billion from the province of Ontario since 1986. We recently just funded TTC to the tune of \$126 million and we are sharing another project with the federal government with respect to a platform down at Union Station which I believe is another \$56 million. Believe me, we have more than done our part with respect to TTC and our commitment to it since 1996.

The Speaker (Hon Gary Carr): Final supplementary.

Mr Michael Prue (Beaches-East York): The Toronto Transit Commission has announced that they are going to have to raise the fares by 10 cents. This will be a total increase in fares to the people who ride the Toronto Transit Commission, the people of the GTA, of 46% since 1995. I voted against it, by the way. In terms of real pocketbook, that is \$438 per year out of the pockets of transit users in Toronto and in the GTA. We have proposed setting up a fund for Toronto and for other cities of some \$113 million to the Toronto Transit Commission under the Ontario transportation trust fund.

Premier, will you assist the people of the GTA, the people of Toronto, who use public transit in Toronto, so they will not be hit in the pocketbook yet again?

Hon Mr Eves: If what the honourable member is asking for is some sort of direct subsidy in place of the TTC reviewing its business practices and doing what they have done in other jurisdictions, for example, in Australia, where lots of places have contracted out certain routes for public transit—in one case, I forget whether it's Adelaide or Melbourne, they actually have 52 different entities contributing to the overall mass transit system in that city, and it functions a heck of a lot better than the TTC does here in Toronto.

There are some things the Toronto Transit Commission can do, I believe, to adopt better business practices, to make themselves more cost-efficient. We will be

there with the federal government, as we have pledged to do, to do our part to ensure transit works properly in Ontario.

1420

TRANSIT SERVICES

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Premier. Premier, you and the NDP have been talking the usual rhetoric about helping our cities when it comes to public transit. We have a plan. Our plan specifically provides that we are going to transfer two cents of the provincial gas tax over to our municipal partners on condition that they invest that in public transit. There's a real plan.

The TTC is facing a \$78-million shortfall this year and the fallout effects are predictable. Services are going to decline, fares are going to rise, ridership will drop off, gridlock will worsen and so will air quality. You don't have a plan to help out the TTC and other public transit systems around the province, and neither, for that matter, does the NDP. We have a plan. I'm asking you, Premier, why do you not adopt our plan and start helping our municipal partners to provide greater opportunities when it comes to public transit in Ontario?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Would that two cents a litre be an additional two cents a litre that you're going to charge on our fuel tax or would you take it away from the \$1 billion worth of highway projects in the province that is being spent this year?

Interjections.

The Speaker (Hon Gary Carr): Members, come to order. Government benches, it's too loud in here. Keep it down. And the same with the other side. It's starting to get too loud in here. If I have to get up, people are going to have to leave. It's getting too noisy in here. I'll give you some leeway; I know it's caucus day. Enough is enough. If I get up again, people are going out.

The leader of the official opposition had the floor.

Mr McGuinty: Premier, I don't pretend to have any more money than you have, but I will tell you one thing: we have different priorities.

Interjections.

The Speaker: Order. I just got up. I'm naming the member for London-Fanshawe. I'm asking Frank Mazzilli to leave. We are not going to continue with this. You're not going to shout two seconds after I sit down. I ask you to leave.

Mr Mazzilli was escorted from the chamber.

The Speaker: I should probably ask anybody else who wants to shout to leave now on their own and save the Sergeant at Arms the trouble and save the pages from having to stand up, because we're just going to throw people out. I think my record is at 26. We'll just keep adding to it.

Just so you know, in New Brunswick, my Speaker counterpart down there has thrown out one person who's now the official Leader of the Opposition. The next day

he came in and apologized for doing that. I'm at 26. My colleagues, I think, are even higher. We'll just keep setting records here and keep throwing you out if you behave like that.

The leader of the official opposition has the floor.

Mr McGuinty: We have different priorities, Premier. You are going to put another \$2.2 billion into tax breaks for large corporations. We won't do that. We'll make that money available to support our priorities, including health care, better education and better protection for our environment.

One of the things we are going to do is to free up two cents of the provincial gas tax, as it now exists, and turn that over to our cities so that they can invest in public transit, so that we can address the gridlock issues in Ontario, so that we can get more people out of their cars, so that we can clean up our air. That's what we're after here.

We've got a plan to help out public transit. I'm asking you, where's your plan?

Hon Mr Eves: First of all, I might remind him that it's the taxpayers' money, not mine and not his. Second of all, with respect to his supposed plan, he wants to take two cents a litre, which would be about \$300 million—

Mr McGuinty: That's \$312 million.

Hon Mr Eves: That wasn't bad off the top of my head—\$312 million if you insist—away from what's being spent on provincial highways, if I get this right. He wants to take that away, reduce the road budget for municipalities, reduce the budget for provincial highways and spend it on urban transit, or he just wants to make up \$312 million. The \$2.2 billion that he talks about in terms of corporate tax breaks is not being spent today, so you can't take it away from where it doesn't exist. You have to treat reality as it exists. You want to take \$300 million away from roads in this province and spend it on transit. You'll win a lot of seats in rural Ontario with that.

CURRICULUM

Mr John O'Toole (Durham): My question is to the Minister of Education. Minister, recently the Liberal education critic has made accusations that this government, in fact your ministry, has failed students across the province. It's because, they suggest, we have implemented a rigorous new curriculum. They are saying that we are abandoning two thirds of the students and they are being left behind. I believe he even shamefully referred to them as curriculum casualties. Can you please enlighten us, and particularly the member from Parkdale-High Park, as to exactly what this government is doing to help students not just to adjust to the new curriculum but to ensure that each and every student succeeds to their individual and optimum potential.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I thank the member for the question. Since our government was elected in 1995, we have listened to the families and people in the province of Ontario and made sure that our students have the basic

literacy and math skills that they are going to require to be able to find a job and to be successful, productive citizens. I can tell you we have put in place a new curriculum. We are doing the evaluation of how well our students are achieving the curriculum in order that we can give them the appropriate support in order that they can go on to college, to university, into an apprenticeship or into the world of work. I am very pleased to say that, as we take a look at the testing that is being done and the help and remediation that teachers are able to provide, we are seeing an increase in success. We see our plan to help students achieve success working. I want you to know that we've invested \$25 million in annual funding to help students in grades 7 and 10 to get the extra help they need in reading, math and writing. We've introduced early literacy and math programs.

Mr O'Toole: Thank you very much for that response, Minister. I know your personal commitment to education, and I know our government's commitment to education. I know we would not stand by idly and jeopardize the future of our young people. I know that we have a very strong interest in ensuring that all students, once they leave high school, are prepared for whatever path they choose, whether it is post-secondary education or indeed directly to the workplace. Can you elaborate on the kinds of programs and resources available to our students in Ontario who may be challenged by our rigorous new curriculum?

Hon Mrs Witmer: One thing that we are doing as part of our plan to help our students achieve success and their maximum potential is to make sure that our teachers are well prepared. Research demonstrates that in order for teachers to be able to communicate and teach the skills of literacy, science and math, we need to support them. We have provided \$370 million to teachers and students to help implement the new curriculum. We have given \$7 million in the last four years for teacher training and \$80 million for professional resources. We now have early identification and intervention strategies for students at risk. We are moving forward with work-to-school programs, co-op programs, summer programs. We are making sure that every student in this province has that opportunity to achieve success. We appreciate the hard work of our teachers in helping us make sure students achieve success, because that's our plan: that every student achieves success.

1430

KYOTO PROTOCOL

Mr James J. Bradley (St Catharines): I have a question for the Premier. For several months, you have been dodging any and all opportunities to take a firm position on the Kyoto accord, an environmental agreement which will go a long way to cleaning up Ontario's air and saving lives.

We know that tomorrow you will be meeting with Premier Ralph Klein, who is clearly out to protect the oil patch and the oil industry from any effects that environ-

mental improvements might have on that industry. We know your energy minister last week was a spokesperson on behalf of the anti-Kyoto coalition at a reception here in the Legislature, a coalition that is travelling the country emphasizing its opposition to Kyoto.

You say your government has no position, Mr Premier, but you have within the Ministry of the Environment over 400 pages of documentation related to the Kyoto accord. At a time when you say there isn't sufficient information available, why are you hiding from the public over 400 pages of information that they should have about the Kyoto accord?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I'm sure the Minister of Energy could respond.

The Speaker (Hon Gary Carr): The Minister of Energy. Oh, the Minister of the Environment.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Thank you. That was an old job.

With respect to the 400 pages of documentation, there is no doubt that we are working feverishly, going over as much as we can to try and ascertain what the federal government's position on Kyoto is. We have tried our best to discover exactly what the level of reduction is, what the credits are, what approach they are going to take.

Interjections.

Hon Mr Stockwell: I'm sorry, I can't keep going. I keep getting interrupted, member from Don Valley. It is frustrating.

The Speaker: Answer?

Hon Mr Stockwell: That's it. Thanks.

Mr Bradley: A supplementary to the Premier: I am concerned about the fact that your government has been hiding this information from the public for months. The original freedom-of-information request made by my office was made nearly seven months ago, on March 30, 2002. Two months later, on May 23, 2002, a response was sent stating that the request was received; in another two months, on July 15, a full four months after the original request, another letter from MOE's freedom-of-information office manager stating that after a thorough search of the strategic policy branch, 411 records were located regarding the Kyoto accord. Here we are today, on October 22, over three months since the records were recovered, and not a single document has been produced.

My office has asked the privacy commissioner's office to look into this, because under Ontario's freedom of information laws the documents should have been produced immediately.

Premier, we know you secretly have ordered significant amounts of analysis to be undertaken regarding the Kyoto Protocol. We know that your government is not telling the whole story. Tell us why you are refusing to reveal the policy your government has secretly prepared on the Kyoto accord.

Hon Mr Stockwell: What a load of bunk from the member opposite. Secret? It's FOI-able. You FOI-ed it. You're going to get the information—

Mr Bradley: Seven months later and you won't give it to me.

The Speaker: Order. We've got to be fair. I'm afraid I'm going to have to name the member for St Catharines as well. We can't be shouting out like that. I'm going to have to ask Mr Bradley to leave as well.

Mr Bradley was escorted from the chamber.

The Speaker: The Minister of the Environment?

Hon Mr Stockwell: The information is FOI and it will be provided. You're talking about 400 pages. It could be as simple as a request for a meeting from the federal government. It could be a meeting requested by the ministry staff. There is nothing on the table that we have that is the least bit interesting, because all the information has been sequestered and gathered by the federal government. Only the federal government has the information about how the Kyoto Protocol is going to work, what their plan is going to be, what the reductions in greenhouse gas emissions are. They haven't told us, nor have they told Alberta, Nova Scotia or any of the other provinces. If you want to get information, maybe you should FOI your cousins in Ottawa and find out what's going on.

FOODLAND ONTARIO

Mr Norm Miller (Parry Sound-Muskoka): My question is for the Minister of Agriculture and Food. Ontario farmers have built a solid reputation for continually producing high-quality food for the domestic and international marketplaces. I'm also aware that food retailers are implementing new and innovative approaches to promote Ontario produce to consumers across the province.

Minister, could you inform the Legislature on a recent announcement by your ministry that recognized the extraordinary efforts of food retailers in Ontario?

Hon Helen Johns (Minister of Agriculture and Food): This morning, I was pleased to attend the Foodland Ontario Retail Awards ceremony at the Toronto Congress Centre. Our government recognized 23 outstanding retailers for their efforts in both promoting and selling Ontario produce. The winners were selected from a slate of 452 entries, who all submitted different photos to show how they had displayed Ontario produce. There were two winners today who have won platinum awards for two years. They were Blaine Turner from Green's IGA in Thornbury and Tyler Allan from Wheeler's Independent in Brockville.

I want to recognize the co-sponsors of these awards. They were the Ontario Fruit and Vegetable Growers' Association, the Ontario Greenhouse Vegetable Growers' Association, the Ontario Tender Fruit Producers' Marketing Board, the Ontario Apple Marketers Association and the Ontario Marsh Grown.

Again, I want to thank all the retailers and participants for being involved in this important program to keep Ontario produce in the forefront.

Mr Miller: Thank you for that answer, Minister. It's important that we all support Ontario food growers.

Congratulations to the retailers across Ontario for their efforts. I understand Alexandra Polmateer from Foodland in Port Sydney in the beautiful riding of Parry Sound-Muskoka was at the event to collect her gold medal, so I'd like to congratulate her.

Many Ontarians are very familiar with the green and white Foodland Ontario symbol that appears throughout the retail sector. Can you explain to the Legislature how this important program has evolved and the benefits it offers to all participants in the Ontario agri-food industry?

Hon Mrs Johns: The Foodland program offers significant benefits to the province's agri-food sector. This program was established by OMAF some 25 years ago. In that time, the program has produced innovative partnerships with industry to effectively promote Ontario-grown produce. Retailers partnered with Foodland Ontario and, because of that, it gives them a competitive advantage.

I'm sure many of us know that when we see Foodland brochures in stores, we want to reach for that produce. Based on the research findings we've done recently, there is a high degree of consumer trust with the Foodland Ontario insignia. The Foodland Ontario symbol has significant recognition—amazing recognition—and consumers look for this logo when they bring their product home. This is a very productive partnership that happens between producers, retailers and consumers in Ontario—a win-win for everybody in agriculture.

FOREST INDUSTRY

Mr Gilles Bisson (Timmins-James Bay): My question is to the Minister of Natural Resources. You will know that specifically Tembec workers and generally the community of Kirkland Lake have been dealt a devastating blow with the announcement by Tembec of the closure of their Kirkland Lake sawmill. This on top of a long litany of job losses that Kirkland Lake has had to suffer over the past years could not come at a worse time. Yesterday, I met with the Tembec workers in Kirkland Lake and spoke to the mayor of Kirkland Lake, Bill Enouy. They've asked me to appeal to you directly for your help.

As you know, your ministry has approved an amendment to Tembec's sustainable forest redevelopment licence that allows crown wood that is destined for the Kirkland Lake mill to bypass that mill and be trucked instead for processing outside of Kirkland Lake, thus killing those jobs in Kirkland Lake. Minister, will you overturn your ministry's decision, stand with Kirkland Lake, redirect that wood back to Kirkland Lake and get those people in to work again?

Hon Jerry J. Ouellette (Minister of Natural Resources): Any job loss in the forestry industry is certainly a concern for small communities in northern Ontario. This is another example of the impact of the softwood lumber duties that have taken place here in Ontario.

Tembec has made business decisions as they relate to the forest industry, and this is a decision they've come forward with. In the short term, we've decided, in the best interests of the logging contractors working in the Tembec area, to allow them to continue to work in the Tembec area, to allow the fibre to move. I have met with the officials of Tembec. They have come forward with some mitigation plans that would allow individuals within that industry to be relocated and also to bring forward some opportunities for new training to reintroduce work opportunities for individuals in the Tembec plants.

1440

Mr Bisson: Minister, that has absolutely nothing to do with what you're talking about. It's your ministry's decision to redirect that wood. The contractors don't want the wood to go outside of Kirkland Lake. They want that wood processed in the Kirkland Lake area. That wood is destined for the benefit of that community.

You're an honourable member; I know you and you work hard at what you do. I'm asking you to stand with the people of Kirkland Lake and say that you will allow that licence to continue with that mill. If Tembec can't operate, too bad. Other people are prepared to take over. Will you work toward a plan that keeps that wood in Kirkland Lake for the benefit of the people of Kirkland Lake?

Hon Mr Ouellette: I met with those individuals in this specific area and not one of those individuals asked for that fibre to be kept in that area. If this is the case, the member should meet with those individuals and discuss that, because those individuals came to me and specifically did not say they had any allocation problems at all. Yesterday, as a result of that meeting, we know that the best interests of keeping those forest workers working at Tembec in the Kirkland Lake area is to allow that fibre to be relocated to mills in Timmins and the Cochrane area.

HYDRO RATES

Mr Dalton McGuinty (Leader of the Opposition): A question to the Premier: being a man of the people, I'm sure you're very concerned these days about your hydro bill. You've been telling us that the reason we've had to contend with these skyrocketing hydro bills is that we've had the hottest summer on record, that demand was way up, and that because demand was up, our price was up.

I have two comparable periods, one in the spring and one this fall, one for the period of May 29 to June 4 and one from October 2 to October 8, where the average hourly demand was roughly 16,000 megawatts. But for the period of May-June, the price being charged Ontarians was 3.35 cents per kilowatt hour, whereas in October—remember, it's the same demand now—the price was 5.28 cents per kilowatt hour. It was 60% more at one time for the same demand in comparison to another period. I'm asking you, as the owner of OPG, which produces 70% of our generation in the province, why is it there's a 60% difference during a time when there was the exact same demand?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I'd be happy to take this specific incident and the specifics the leader of the official opposition has talked to me about and look into it. I have a few copies of invoices here myself with respect to hydro from people in the same period, April 12 to June 11 this year, compared to last year. This year their bill for that period of time was \$178; last year it was \$186. I have two or three other examples, if you'd care to go into them in your supplementary.

Mr McGuinty: I want to return to the same issue, Premier, because you're telling us that we had a very hot summer, that demand for electricity was way up, and that the result was it affected our prices, and prices went up. But here is a specific occasion, from October 2 to October 8 and May 29 to June 4, where demand was roughly comparable, roughly 16,000 megawatts, and yet there's a 60% difference in the price being charged to the people of Ontario. What this really comes down to is that this has nothing to do with market forces. It has to do with the fact that your ownership of 70% of the generation capacity in the province is less than competent when it comes to managing Hydro and making sure we're getting the best bang for the buck.

I will be delighted to refer these details to you, but I ask you again on behalf of the people of Ontario, you've been telling us that the reason we're facing these skyrocketing rates is because demand has been going through the roof. I have a specific case where this is not in fact what is happening in Ontario. I'm asking you again, why are Ontarians paying 60% more at one time in comparison to another when demand was the same?

Hon Mr Eves: No, that isn't what I've been saying. What I've been saying is that during the months of May and June the price per kilowatt hour was lower than it was before, that during the months of July, August and September it was higher, and that during the month of October it's back to being about the same. In fact, on half the days it's been lower. That's what I've been saying consistently as we've stood in the House and debated this issue.

ELECTRONIC SURVEILLANCE PROGRAM

Mr Garfield Dunlop (Simcoe North): My question today is for the Minister of Public Safety and Security. This government has always held offenders accountable for their actions and put the safety of our communities and the rights of victims above those of offenders.

One of the initiatives of our government has been the electronic monitoring program you started several years ago, which I understand has been working very well. This program is for a select few offenders who are serving an intermittent sentence and have been approved for a temporary absence from the institution. Minister, I understand that you plan to improve the types of electronic systems the ministry uses through an initiative called the electronic surveillance program. Could you

please give the members of this House an update on the electronic surveillance program?

Hon Robert W. Runciman (Minister of Public Safety and Security): I thank the member for Simcoe North for the question. I'm pleased to tell the House that on Friday we announced that JEMTEC Inc has been awarded the contract for the delivery of our electronic surveillance program. As members of the House may know, the ministry has been working with this company since 1996 to monitor selected offenders using a radio frequency anklet. The program has been working well to date, and now new second-generation technology is available that will allow offenders to be kept under much more intrusive electronic surveillance. We've invested an additional \$2.4 million to give our staff the tools they need to help protect the law-abiding citizens of this province. We expect this new and improved program will be up and running in the very near future.

Mr Dunlop: I'm sure that the members of this House are as eager as I am to have this program operational. I know that the residents of my constituency will be eager to hear how this program will work, considering we are host to one of the new correctional centres in the town of Penetanguishene. As you mentioned, the original program is currently limited to those offenders serving intermittent sentences and they are monitored using a radio frequency anklet.

Minister, could you please tell the House how our government's investment and partnership with JEMTEC will expand the electronic surveillance program?

Hon Mr Runciman: I'm pleased to tell the members that the new and improved electronic surveillance program will be able to much more intrusively and intensively keep tabs on a variety of offenders sentenced in the community, and not just those serving intermittent sentences. This new system will include cutting-edge technologies such as global positioning and voice verification, allowing corrections officials to know that an offender is where he or she is supposed to be and, if not, to immediately respond in the interests of safety.

It's important to say that electronic technology is not intended to replace the work that's done by the dedicated front-line correctional staff, nor will it replace incarceration. The program is simply a new, improved tool to help staff keep track of selected community-sentenced offenders, to increase deterrence and, most importantly, enhance the safety and security of our neighbourhoods.

HOME CARE

Mr Steve Peters (Elgin-Middlesex-London): My question is for the Minister of Health. The VON day programs in Middlesex county have enabled countless individuals to live independently and with dignity in their own communities. Seniors and those with developmental and physical disabilities or serious ailments are able to stay in their homes, thanks to the volunteer services in their communities.

VON Middlesex, though, has been forced to cut services for vulnerable because you have refused to significantly increase the base funding over the past five years to meet the increase in need. There is a \$94,000 deficit. The real hurt you are causing includes day programming reduced to one day per week, Meals on Wheels cut to three days per week, and client user fees to increase even to those who are terminally ill and to those with Alzheimer's. Seniors and disabled persons are going to suffer as a result of your refusal to increase the funding.

Minister, will you commit today to increasing the Middlesex county VON's funding so that their most vulnerable citizens do not have to leave their homes?

Hon Tony Clement (Minister of Health and Long-Term Care): I can confirm to this House that in fact funding for home care was increased as part of the Ernie Eves budget of this year. Certainly, from our perspective, there has been a more than 72% increase in funding for home care in Ontario since the PC government was first elected in 1995. So this is a priority for us. Clearly we felt that it was necessary to ensure that the money was going to the front-line recipients of this kind of care. It is an integral part of making sure that we deliver quality health care as close to home as possible.

Mr Peters: But, Minister, your numbers are skewed, because a mere 2% of the increase in funding to the Middlesex VON was allocated to program growth. By this time, though, the VON has seen its service increase by over 57%. They are providing, to this date, 20,000 additional units of service.

1450

The VON in Middlesex has maxed out on user fees beyond affordability. They've maxed out on fundraising. They cannot bridge the gap. Without increased funding people in Middlesex county—and you have two representatives, Mr Beaubien and Mr Johnson—are going to suffer. I also represent this county. Seniors will not be able to live in their homes. Developmentally disabled adults are losing the day programs that they enjoyed and looked forward to.

Minister, such services as Meals on Wheels and respite day programs are about dignity and meaningful quality of life. These programs have saved the health care system millions of dollars over the years.

I ask you again, will you commit to increasing the funding to the Middlesex VON so that the most vulnerable are not forced to suffer as a result of your funding shortfalls?

Hon Mr Clement: I can confirm to this House that since 1994-95, Middlesex home care has gone from \$28.7 million worth of funding to \$38.37 million worth of funding from this government. By my thumbnail calculations, that's an over 25% increase, not including the increase from this fiscal year. Globally, in Ontario the amount of funding for home care has gone from \$695 million to \$1.138 billion. This is showing our commitment to this sector. We believe it is important to invest in home care. Incidentally, these are 100% provincial

dollars. Not a penny comes from the federal government in this regard. We certainly are anticipating and hoping that Roy Romanow has something to say about this. But I can tell you it has been a commitment of this government and the Ernie Eves government has continued on that commitment for the right kind of funding to ensure that services are adequate as close to home as possible.

LONG-TERM CARE

Mr Garfield Dunlop (Simcoe North): My second question today is for the Associate Minister of Health and Long-Term Care. I am really pleased that we had the opportunity to work together at the seniors' information forum that I held last Friday in Midland. Just a little over 500 people attended that informational centre. The event was a tremendous opportunity to get together and discuss the programs and safeguards that are in place for seniors, not only in Simcoe North but right across our province. It was also a great chance to hear what's on the minds of my constituents and talk about the issues that matter most to them. Minister, for the benefit of this House, could you please provide an update on the status of long-term-care redevelopment in Simcoe North?

Hon Dan Newman (Associate Minister of Health and Long-Term Care): I thank the hard-working member for Simcoe North for his question. I very much enjoyed taking part in his seniors' information forum and I congratulate him on a very successful event held last Friday in Midland.

I'm proud to say that in the Simcoe service area, a total of 665 new long-term-care beds have been allocated for construction; 332 are already in operation, and a further 24 will be opened in November. As well, six existing category D facilities are redeveloping a total of 479 beds, and 213 of those beds have already been completed to date.

Our government's historic \$1.2-billion long-term-care initiative is making a real difference in the lives of seniors and those who require long-term care in Simcoe North and indeed across our great province of Ontario, because it will mean even better care for residents today, better care for residents tomorrow and better care for residents in the years to come.

Mr Dunlop: Thank you very much for that response, Minister. I know our long-term-care initiatives are making a real difference in the lives of my constituents and Ontarians from right across our province. As you know, several of my constituents at the event asked us how far Ontario has come since 1995 in providing quality long-term-care services for our province's seniors. Minister, for the benefit of this House, could you please provide an update on the progress we made as a province in providing quality long-term care over the past seven years?

Hon Mr Newman: I once again thank the member for Simcoe North for his question. There is no question that long-term care in Ontario has come a long way since our government was first elected by the people of Ontario in

1995. Unlike previous provincial governments, we will not compromise when it comes to the health and well-being of our most vulnerable. We will continue to make important investments for today and continue to make important investments for tomorrow.

After all, in 1995, not only did we inherit an \$11-billion deficit after a decade of Liberal and NDP government, but we also inherited a decade of neglect with respect to investments in the long-term-care sector. Ernie Eves's government, however, is taking action where it is needed through investments such as our \$1.2-billion investment toward new and redeveloped long-term-care beds in Ontario, and, I might add, with our \$100 million in new funding for nursing and personal care services.

I say to this House today that we will continue to work hard to improve access to long-term-care services in our province.

HIGHWAY 407

Mr Michael Prue (Beaches-East York): My question is to the Minister of Transportation. Every day people driving on the 407 are encountering problems with the organization that runs it. Today they are being bilked—and I use that word advisedly—and I'm asking what your government is going to do. The problem is that the transponders that many people on the 407 use are getting old. They have batteries inside them, and those batteries are running out. But there's no way of knowing that your battery no longer works. There's no little light that goes on. People don't know. When they find out that their battery no longer works, because they get a bill that says, "You owe \$30 because you don't have a transponder," they phone immediately and they find out that nobody answers the phone. They wait on the phone for an hour, for two hours, and nobody answers. Nobody answers the e-mails. They go to a kiosk, and no one can answer at the kiosk, because the kiosks don't have phones either. They go back to the phone. I ask you, phone 1-888-407-0407 and just stand there and wait yourself. You'll never get through.

What I'm asking is, what are you going to do to improve the service of the travelling public who use this road literally every day—

The Speaker (Hon Gary Carr): The member's time is up.

Hon Norman W. Sterling (Minister of Transportation): I'm told that when a transponder is not working it doesn't react the same way as it does when it is working. As I understand it, there is a sound and a light which indicates whether or not it is in fact working. That takes care of one of the allegations of the member opposite as to whether a person knows that it is or isn't working.

We have been working with the 407 to ensure that their level of client service does improve, because we believe that in fact their ability to answer phones, to respond to requests was not adequate in the past. I did happen to go out and see their new, enlarged headquarters for dealing with clients' concerns. They have

assured me that the response time has dropped dramatically from what it was before. But I'm glad to look into it for the member and ensure that they continue to improve their record of client service.

Mr Prue: People, quite honestly, do not understand when the batteries are working and when they aren't. I have to tell you that maybe some members opposite might know, but most of the general public does not know when those transponders are working. But there is literally no staff to help them. They stay on the phone for 15 minutes, 20 minutes, sometimes for hours. They are then levied a fine of some \$30. If they refuse to pay the fine, then they are charged even more money. After they are charged more money, their account is sent to a collection agency. Then they are told that they will not be able to renew their licence and that this government stands behind that private corporation to stop legitimate people from renewing their licence because they refuse to pay usurious charges.

Minister, will you ensure that there is adequate staffing to make sure that every person gets to talk to someone in person? Will you ensure that there is less draconian enforcement, that people are not threatened with losing their licence, so that honest citizens can avoid the bureaucratic nightmares of this corporation?

Hon Mr Sterling: The 407 is dealing with millions of people who are using the 407 on a daily basis. Therefore they are attempting in some ways to deal with the tremendous number of questions, concerns, the information which is necessary in order to run a large venture, as this is.

Under the contract which the government has entered into with the 407, there is the provision for licence denial. But we have made it clear to the 407 that we will not use licence denial to deal with administrative charges. We have held tight on that. We are not using licence denial at this time for any—

The Speaker: I'm afraid the minister's time is up.

1500

CORPORATE TAX

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Premier. We are the most export-oriented jurisdiction in the world; 95% to the US. We have decided to compete with the US on the basis of, I gather, corporate taxes 25% lower than the US. Corporate taxes are 40%, and in Ontario, the plan is to move them to 30%. In terms of forgone revenue, going from 40% to 30%, it's about \$5 billion of forgone revenue in the province of Ontario.

I watch Pennsylvania, and they advertise, "Come to Pennsylvania because we graduate more engineers, more scientists, more technologists." But we've decided in Ontario that we're going to compete on the basis of corporate taxes 25% below those of our competitors.

How did you make the decision that we needed corporate taxes to be not competitive, but 25% lower than

the US, at a cost of forgone revenue of roughly \$5 billion for Ontario?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): This is the same honourable member who stood in this House at the beginning of the Common Sense personal income tax reduction and said that our 30% reduction would cost us \$5 billion a year in revenue. Not only did it not cost us the \$5 billion a year, but we gained an additional \$17 billion. That calculation of yours was only out by \$22 billion a year, in a budget of \$65 billion. So pardon me if I don't accept your great presumption of another \$5-billion loss, which will probably turn into another \$17-billion gain.

VISITORS

Mrs Margaret Marland (Mississauga South): On a point of order, Mr Speaker: I know that earlier today you introduced and welcomed our new pages. It would be my privilege to tell the members that the grandparents, Mr and Mrs Bill and Betty Wilson, from my riding are here. They are the grandparents of Lauren Wilson, who is a constituent of the member for Burlington, Cam Jackson.

PETITIONS

WILDLIFE MANAGEMENT

Mr Richard Patten (Ottawa Centre): I'd like to read a petition which I haven't read for many weeks. The petition is to the Legislative Assembly of Ontario.

"The unreasonable and inhumane restrictions that the Ontario Ministry of Natural Resources (OMNR) is placing on wildlife rehabilitators with respect to the release of orphaned animals will eliminate their ability to help wildlife; and

"Whereas wildlife rehabilitators provide an essential public service for many thousands of people seeking help on behalf of orphaned and injured wildlife in Ontario; and

"Whereas the unreasonable release restrictions imposed on wildlife rehabilitators by the OMNR will prevent responsible wildlife rehabilitation, not only compromising wildlife and frustrating the public but forcing it underground and jeopardizing public safety; and

"Whereas this will incur significant new costs for local governments with respect to bylaw and public health and safety interventions while creating an emotional and volatile climate because the majority of people in Ontario are simply unwilling to see healthy young animals euthanized;

"We, the undersigned, are deeply concerned that the release restrictions imposed by the Ontario Ministry of Natural Resources will eliminate the provision of responsible wildlife services in our community; and

"We petition the government of Ontario to work with wildlife rehabilitators to ensure that progressive, humane and responsible regulations with respect to release criteria for rehabilitated orphaned wildlife are put in place in Ontario."

I sign my name to this petition as well.

CHILD CARE

Ms Shelley Martel (Nickel Belt): These petitions have been sent to me by Children's Resources on Wheels from Smiths Falls, Carrie Fallon from Courtice, Ontario, Growing Together in Blenheim, Ontario, and residents of Balmertown in northwestern Ontario. They read as follows:

"Whereas 70% of Ontario women with children under age 12 are in the paid workforce;

"Whereas high-quality, safe, affordable child care is critical to them and their families;

"Whereas the Early Years Study done for the Conservative government by Dr Fraser Mustard and the Honourable Margaret McCain concluded quality child care enhances early childhood development;

"Whereas this government has cut funding for regulated child care instead of supporting Ontario families by investing in early learning and care;

"Therefore, be it resolved that the Ontario government adopt the NDP's \$10-a-day child care plan and begin implementation by reducing full child care fees to \$10 a day for children aged two to five currently enrolled in regulated child care by providing capital funds to expand existing child care centres and build new ones, by funding pay equity for staff and by creating new \$10-a-day child care spaces in the province."

I agree with the petitioners. I have affixed my name to this.

EMERGENCY RESPONSE TEAMS

Mr Toby Barrett (Haldimand-Norfolk-Brant): I wish to read a petition. It's titled "Honour Emergency Workers Who Lose Their Lives in the Line of Duty." I feel this is especially appropriate given the passing of volunteer firefighter April Hopkin.

"To the Legislative Assembly of Ontario:

"Whereas the Ontario Legislature has debated a private member's bill titled the Flags at Half-Mast Act, 2002, requiring flags at all provincial government buildings be flown at half-mast for a period of mourning to honour police officers, correctional service officers, firefighters and ambulance workers in Ontario who lose their lives in the line of duty; and

"Whereas our emergency response personnel deserve our thanks and respect for their efforts to ensure the safety and security of all Ontarians; and

"Whereas MPP Toby Barrett has spoken and voted in favour of this legislation;

"We, the undersigned, respectfully petition the Parliament of Ontario as follows:

"That the government of Ontario support Halton MPP Chudleigh's Flags at Half-Mast Act, 2002, and require all Ontario government buildings to lower their flags for a period of mourning to pay respect to dedicated men and women who lose their lives in the line of duty."

I support this petition and hereby affix my signature.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): I've got several thousand names on this petition. It's part of the 26,000-name petition we have with regard to multi-laning of Highway 69.

"To the Legislative Assembly of Ontario:

"Whereas modern highways are economic lifelines for the north; and

"Whereas the stretch of Highway 69 from Sudbury south to Parry Sound is a treacherous road with a trail of death and destruction; and

"Whereas the carnage on Highway 69 has been staggering; and

"Whereas the Harris-Eves government has shown gross irresponsibility in not four-laning the stretch of Highway 69 between Sudbury and Parry Sound; and

"Whereas immediate action is needed to prevent more needless loss of life; and

"Whereas in the last three years 46 people have been killed on that stretch of highway between Sudbury and Parry Sound; and

"Whereas in the last year alone, 10 people have tragically lost their lives on that stretch of highway between Sudbury and Parry Sound; and

"Whereas it is the responsibility of a government to provide safe roads for its citizens, and the Eves government has failed to do so;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to urge the Eves government to begin construction immediately and four-lane Highway 69 south between Sudbury and Parry Sound so that the carnage on Death Road North will cease."

I of course affix my signature. I give it to Matthew our new page to bring to the table.

PROVINCE OF ONTARIO SAVINGS OFFICE

Ms Shelley Martel (Nickel Belt): I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the Province of Ontario Savings Office was created in 1922 by United Farmers and labour as a unique banking facility that allowed Ontarians to invest in their province;

"Whereas the Province of Ontario Savings Office enjoys a strong popularity among Ontario residents, with over 100,000 accounts and over \$2.8 billion on deposit; and

"Whereas the Province of Ontario Savings Office offers customers attractive interest rates, generous chequing privileges and personalized efficient service, and every dollar deposited is guaranteed by the province of Ontario; and

"Whereas POSO has 23 branches serving 17 communities across Ontario, including Hamilton, Windsor, Ottawa and small communities in northern Ontario not served by other banks or trust companies. Places like Pickle Lake, Armstrong, Killarney, Gogama and Virginiatown; and

"Whereas the Tory government announced in its latest budget that it will put the Province of Ontario Savings Office on the auction block, even though it is a consistent revenue generator, and even though this revenue could help Ontario's crumbling infrastructure after years of Tory neglect;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To save the people's bank, the Province of Ontario Savings Office, so that it can continue its historic role of providing excellent banking services to families in communities across Ontario; so that people in small towns will not be forced to go farther afield for banking services and forced to go to private, for-profit banks."

I agree with the petitioners and I have affixed my signature to this.

COMPETITIVE ELECTRICITY MARKET

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I have a petition which is the first of a series by concerned citizens. There will be thousands and thousands of them coming in every day at my office.

"To the Legislative Assembly of Ontario:

"Whereas the Harris-Eves government deregulated electricity on May 1, 2002, in the province of Ontario, without it being in their election platform in either 1995 or 1999, and without the mandate of the people of Ontario; and

"Whereas the price of the commodity of electricity has reached outrageous levels, having risen at times over 100% since May 1, 2002, causing Ontarians great financial hardship; and

1510

"Whereas Ontario Power Generation (owned by the Ontario government) has applied to the Ontario Energy Board for a 20% reduction in the promised rebate to Ontarians if the commodity price of electricity rose above 3.8 cents per kilowatt hour; and

"Whereas competition in the electricity market has been scared off by the uncertainty of the Harris-Eves government's attempts to sell off a portion of Hydro One, leaving electricity commodity prices high; and

"Whereas the Harris-Eves government authorized that exorbitant salaries and bonuses in the amount of \$2.2 million per annum be paid to the former president of Hydro One and in excess of \$1.6 million per annum to the vice-president of Ontario Power Generation;

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government take immediate action to ensure that Ontarians have fair prices for the necessary commodity of electricity in Ontario, and that the Conservative government and its leader Ernie Eves call a general election on the instability of energy markets so that Ontarians may have a voice on this issue."

I add my signature with pleasure.

WILDLIFE MANAGEMENT

Mr Ernie Parsons (Prince Edward-Hastings): I have a petition to the Legislative Assembly of Ontario with regard to the unreasonable and inhumane restrictions that the Ontario Ministry of Natural Resources is placing on wildlife rehabilitators with respect to the release of orphaned animals, which will eliminate their ability to help wildlife.

"Whereas wildlife rehabilitators provide an essential public service for many thousands of people seeking help on behalf of orphaned and injured wildlife in Ontario;

"Whereas the unreasonable release restrictions imposed on wildlife rehabilitators by the OMNR will prevent responsible wildlife rehabilitation, not only compromising wildlife and frustrating the public but forcing it underground and jeopardizing public safety;

"Whereas this will incur significant new costs for local governments with respect to bylaw and public health and safety interventions while creating an emotional and volatile climate because the majority of people in Ontario are simply unwilling to see healthy young animals euthanized;

"We, the undersigned, are deeply concerned that the release restrictions imposed by the Ontario Ministry of Natural Resources will eliminate the provision of responsible wildlife services in our community. We petition the government of Ontario to work with wildlife rehabilitators to ensure that progressive, humane and responsible regulations with respect to release criteria for rehabilitated orphaned wildlife are put in place in Ontario."

I'm pleased to my add my signature to the more than 200 names on this petition.

GARDE D'ENFANTS

M^{me} Shelley Martel (Nickel Belt): J'ai une pétition qui vient des Services de garde de Rayside-Balfour dans ma circonscription.

« Attendu que 70% des femmes de l'Ontario ayant des enfants de moins de 12 ans sont sur le marché du travail;

« Attendu que, elles et leurs familles ont absolument besoin de services de garde de qualité, sûrs et abordables;

« Attendu que l'étude sur la petite enfance réalisée pour le gouvernement conservateur par le D^r Fraser Mustard et l'honorable Margaret McCain a conclu que les services de garde de qualité favorisent un développement harmonieux des enfants; et

« Attendu que le gouvernement a réduit le financement pour les garderies réglementées plutôt que d'appuyer les familles ontariennes en investissant dans l'apprentissage et les soins offerts aux jeunes enfants;

« Pour ces motifs nous, soussignés, demandons que le gouvernement de l'Ontario adopte le plan du NPD pour des espaces de garderie à 10 \$ par jour, et qu'il commence par réduire la totalité des frais de garde pour les enfants de deux ans à cinq ans actuellement inscrits dans des garderies réglementées; que le gouvernement alloue des capitaux permanents pour agrandir les garderies existantes et pour en construire de nouvelles; que le gouvernement finance l'équité salariale pour le personnel, et qu'il crée de nouveaux espaces de garderies à 10 \$ par jour dans cette province. »

Je suis d'accord avec cette pétition et j'y appose mon nom.

NATURAL GAS RATES

Mr Pat Hoy (Chatham-Kent Essex): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; ...

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases."

It is signed by a number of residents from Merlin, and I too have signed this petition.

SERVICES DE SANTÉ POUR ENFANTS

CHILDREN'S HEALTH SERVICES

M^{me} Claudette Boyer (Ottawa-Vanier): « Attendu que le gouvernement conservateur planifie la fermeture du service de chirurgie cardiaque à l'Hôpital pour enfants de l'est de l'Ontario;

"Whereas the Conservative government plans to centralize all cardiac services for children in Toronto;

« Attendu que la chirurgie cardiaque ... est un service essentiel pour les enfants de l'est de l'Ontario et pour ... les enfants francophones de toute la province;

"Whereas the lives of children may be at risk if forced to travel to Toronto for cardiac care;

« Attendu que les enfants et leur famille se verront imposer des dépenses et des soucis inutiles s'ils doivent se rendre à Toronto pour obtenir des services cardiaques;

"We, the undersigned, petition the Ontario Legislature to demand that the Conservative government halt immediately its decision to close cardiac surgery services at the Children's Hospital of Eastern Ontario in Ottawa."

J'y appose ma signature avec fierté.

CELLULAR TOWER

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I have a petition to the Parliament of Ontario.

"Whereas we wish to object to the building of a Telus Mobility cellular tower in a tile-drained cornfield less than a kilometre south of Avonmore. There are many other choices for the location of this tower which would not interfere with existing homes, farmland and livestock. Please consider the relocation of this unit as the decision was made with no consultation with the community.

"We, the undersigned, petition the Parliament of Ontario as follows:

"To stop the proposed building of the Telus tower and to promote community consultation" in the near future.

I've also signed the petition.

COMPETITIVE ELECTRICITY MARKET

Mr Dominic Agostino (Hamilton East): I have a petition to the Legislative Assembly of Ontario.

"Whereas the Harris-Eves government deregulated electricity on May 1, 2002, in the province of Ontario without it being in their election platform in either 1995 or 1999 and without the mandate of the people of Ontario; and

"Whereas the price of the commodity of electricity has reached outrageous levels, having risen at times over 100% since May 1, 2002, causing Ontarians great financial hardship; and

"Whereas Ontario Power Generation (owned by the Ontario government) has applied to the Ontario Energy Board for a 20% reduction in the promised rebate to Ontarians if the commodity price of electricity rose above 3.8 cents per kilowatt hour; and

"Whereas competition in the electricity market has been scared off by the uncertainty of the Harris-Eves government's attempts to sell off a portion of Hydro One, leaving electricity commodity prices high; and

"Whereas the Harris-Eves government authorized exorbitant salaries and bonuses in the amount of \$2.2 million per annum to be paid to the former president of Hydro One, and in excess of \$1.6 million per annum to the vice-president of Ontario Power Generation;

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government take immediate action to ensure that Ontarians have fair prices for the necessary commodity of electricity in Ontario, and that the Conservative government and its leader, Ernie Eves, call a general election on the instability of the energy market so that Ontarians can have a voice on this issue."

I add my signature to this petition and give it to Adrienne, our new page, to bring it over to you.

ORDERS OF THE DAY

INTERIM SUPPLY

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): I move that the Minister of Finance be authorized to pay the salaries of the civil servants and other necessary payments pending the voting of supply for the period commencing November 1, 2002 and ending April 30, 2003, such payments to be charged to the proper appropriation following the voting of supply.

The Acting Speaker (Mr Bert Johnson): Debate: I believe whoever moved the motion has to start the debate or else we'll go in rotation. The Chair recognizes the Chair of Management Board and the Minister of Culture, the member for Markham.

Hon Mr Tsubouchi: I'm very pleased to be here on behalf of my colleague the Minister of Finance to commence this debate. This is a motion that, if passed, gives the government the authority to continue its many programs that benefit the people of Ontario and to operate the daily business of government. Approval of this motion for interim supply gives the government permission to send money to municipalities, hospitals and school boards around the province—these are all our funding partners, of course—and also to pay social assistance benefits to those in need. It will also pay the salaries of our Ontario civil service.

1520

The motion for interim supply does not specify a dollar amount, but proposes to grant authority to spend for a specified period of time. As you know, this is normal business routine during the course of the year. The current interim supply motion last approved by the Legislature covered a six-month period from May 1, 2002, and expires October 31, 2002, this year. Without spending authority, statutory payments can continue to be made. These payments include interest on the public debt and all payments from special purpose accounts. However, unlike statutory payments, scheduled and unscheduled payments cannot be made without the passage of an interim supply motion. These include payments to very essential services across the province, including nursing homes, hospitals, doctors, municipalities, general welfare recipients, children's aid societies and suppliers' accounts.

The motion for interim supply must also be passed to ensure that all of Ontario's civil servants continue to receive their salaries. Teachers and health care professionals are just some of the members of the broader public service whose salaries are paid for by our government and through the taxes of the working person in Ontario. Dedicated public servants like teachers and professors prepare our youth for tomorrow, and nurses, doctors and other health care professionals care for the sick and elderly.

Interim supply gives us the authority to spend, but we must make responsible choices to ensure that we stay on

the course of prosperity. We continue to make important contributions to the health of the province by exercising fiscal restraint in government operations, and this I clearly know as Chair of Management Board. We continue to focus on efficient and effective delivery of government programs and services. That's why we've pursued a consistent course of tight fiscal discipline, balanced budgets and debt reduction in order to provide more resources to priority areas. Clearly, in 1999, we indicated to the public of Ontario that unless government spends wisely and we deal with restraint and we deal with measures that will fuel the economy, we would not have money to spend on very essential areas of the province, such as education, environment and health care. As you know, we continue to invest in health care on a large scale.

Our government has an agenda of spending on those priorities that respond to the needs of Ontarians and encourage growth, job creation and prosperity. Just today, you heard the Premier speaking about the prosperity of the province and how important it is, not only to this government and for the people of Ontario but, as you know, the province of Ontario fuels the economy of the entire country. That's how essential the economy of Ontario is.

Our economy continues to grow. Right now 987,700 new jobs have been created since 1995. That's very close to one million net new jobs in this province. I recall back in 1994 how, as we were going through the election period and the run-up to the election period, we talked about creating 720,000 net new jobs in the province of Ontario, and people laughed at us. They said it was impossible to do that. Now, retrospectively I guess, people should be patting us on the back for creating—not for creating the jobs. We just created the environment for these jobs to be created by industry in this province.

Private sector forecasters expect the Ontario economy to grow by 3.6% in 2002—once again, faster than any of the G7 nations. In July, Moody's Investor's Service improved its rating for Ontario, the first upgrade since 1974.

There are, of course, other indicators that reflect the strength of our economy. There are 613,000 fewer people in Ontario who depend on welfare. As we've always said, this is the key: getting people to work. The unemployment rate is down to 7.3% and consumer confidence is also up 25.7%. That's incredible in today's economy—25.7% consumer confidence in Ontario. As we all know, as we can see the economy building, housing starts are up 116.4%. That's an incredible amount—fuelling this economy, building homes, creating such prosperity in the GTA and across Ontario. Real disposable income has increased by 21.2% since we began cutting taxes. Isn't it funny how that mirrors what we've been doing? We cut taxes; disposable income goes up. I still remember back in 1995 on the election trail with Premier Harris—not Premier Harris at the time, but running for Premier at the time—where we visited a computer company, and before that we visited a family and a retail store. We saw how

this whole trickle-down business of people having disposable income to spend fuelled the economy. Lo and behold, as we look back now, many of the things we were saying during the run-up to that election in 1995 certainly turned out to be quite true.

Since we began cutting taxes, revenue to pay for programs and services has risen by almost \$14 billion, an incredible amount. Ontario's economy has grown almost 28% since 1995, and that's compared to 20% across the rest of Canada. Thanks to our government's prudent fiscal management and sound economic policies, Ontario is back on track and investors are taking notice.

Since 1995, we have continued to make tough decisions and responsible choices. We've focused on creating conditions to increase growth and achieve the highest quality of life for the people of Ontario. Speaker, some of these choices have not been easy, as you know. You've been in government. Certainly as Chair of the Management Board, I've seen a number of choices that we've made. But during the course of making these choices, we decided as a government, in listening to the people of Ontario, what our priorities would be. Our priorities certainly are spending on health care, which has increased exponentially, spending on education, spending on the environment and, of course, spending on making sure our streets are safe. Public safety is a very key part of our platform.

We have stuck to our plan. I must say, too, since the Minister of Agriculture is sitting next to me, that it's very important for us as a government to recognize and see as a priority our support of our agricultural community, the farmers of this community. The farmers of this province deserve to have our support because, as I travel across the province, and even in my own community, and see development going on, we certainly look for a balance out there. We understand the nature of the role of the farmers, how important their roles are to this province. Sometimes when I look and I see farmland, I'm so proud and happy to know that we have farmland that produces agricultural products that we in Ontario can enjoy.

Earlier on today, I had the privilege of listening to the Minister of Agriculture answer a question in terms of Foodland Ontario. Like most Ontarians, when we go to the supermarket and we go through and look through the produce, we see "Foodland Ontario," and we see that the product is created in Ontario. I believe that product is safer and healthier to eat. As you recall, we've had a number of difficulties with some of the agricultural products—not from Ontario but imported into Ontario. I believe we have the checks and balances, and certainly the farmers have the interests of the people of Ontario at heart, and we have one of the finest products in Ontario. I could talk forever on farmers because some of my best friends are farmers who produce products such as corn, certainly in my neck of the woods. We know how popular that is in the Legislature—corn is always around here.

But we have stuck to our plan. Economic growth spurred by tax cuts has enabled this government to invest

in priority programs and services, once again, as I said before, such as health care, education, the environment—and agriculture is very important to us. The passage of the motion for interim supply will permit spending which specifically benefits two of these priority areas: health care and education. We have made significant investments in health care to meet our commitments of improving and modernizing Ontario's hospitals.

If I could just take a moment right now, because I know the associate minister in charge of long-term health care is here in the House with us right now, we've made an incredible investment in long-term health care. For the very first time in this province in many, many years, we've invested in 20,000 new beds in the province of Ontario. I might say—I almost said "Premier," Speaker—that this investment is all on our own. The federal government does not spend one penny to support long-term health care beds. I think that's atrocious, quite frankly. But the people of this province have the comfort of knowing that this government feels it is a very huge priority for us to support our seniors, to make sure that they have a place to go. Long-term health care is quite a priority for this government.

1530

Getting back to my topic here about hospitals, we have made significant investments in health care to meet our commitments of improving and modernizing Ontario's hospitals. Between 1999-2000 and 2002-03, the hospital base funding will have increased at an average annual rate of 8.4%. Health care operating spending will be \$25.5 billion in 2002-03. That's an increase of \$1.7 billion or 7.3% over the 2001-02 operating spending.

If you recall back in 1995 when we were campaigning throughout the province, we made a commitment to the people of this province to ensure that the spending on health care would be at least \$17.4 billion. Health care spending today is \$25.5 billion. That is an incredible commitment to keep to the people of the province of Ontario, that we believe health care is so important.

Ontarians are benefitting from the investments in health care we have made since coming into office in 1995. Capital projects are a tremendous example of how we are encouraging investments. The Ontario government is examining potential for public-private partnerships. There are currently two pilot projects to assist the government and hospitals in understanding how best to apply the partnership models used successfully in other jurisdictions. Both William Osler in Brampton and the Royal Ottawa hospital have issued requests for qualifications and closed the requests in August. Submissions are now being reviewed and requests for proposals to develop those facilities will be issued in the late fall.

It's important for us to look out, particularly with health care, to make sure that we look at the best ways of delivering health care in this province. I applaud the Minister of Health for looking at these public-private partnership areas, because we have scarce dollars. Even though we have increased our spending to \$25.5 billion, money is scarce. It is very important for us to have a

balance throughout. Right now an incredible amount of our budget goes strictly to health care. Health care is a priority, but I think it is incumbent upon us to spend our money in the best way possible, and this may be a way of doing it. That's why we are looking at this in the way of pilot projects. To meet our health care spending commitment, the passage of this motion for interim supply is needed.

We've also made significant commitments to education in Ontario, because the quality of education and lifelong learning are the building blocks of a prosperous tomorrow. I certainly know that as Minister of Culture. This week particularly is Library Week, and I was actually very pleased that the Minister of Colleges and Universities was able to attend an event in London to launch Library Week on my behalf.

As I said in the House earlier on this week, libraries are a tremendous institution of democracy. Libraries don't recognize the fact that someone has wealth or doesn't have wealth. Libraries don't recognize ethnicity, or race, or religion. Libraries provide information free of cost. So you don't have to have money to learn. You don't have to have money to access the libraries. That's very important. That's why I always call it a great institution of democracy, because learning is the key, I think. Learning and education are the key for anyone to better themselves in this province. That's what I believe: not only access to books but certainly to education.

We have tremendous teachers in this province as well, I must say. I look among my colleagues on both sides of the House. I think we can all talk about one teacher who helped us particularly on our way. I look at myself: here I was after the war, a visible minority. If it weren't for teachers who took my interests to heart—even though I was the only oriental or Asian in the entire school, who really stuck out, they were able to help me with my interests. Teachers don't discriminate against different ethnic groups; they are their class, their children. They are there to take care of them. That's why it is so important for us to support education, because once again if you are poor, if you have an education it is a way of opening doors to the future. Good teachers are a very essential part of that educational process. I can tell you that first hand.

We've been making record investments in education and funding new educational initiatives to ensure that all Ontario students have the resources they need to reach their full potential. The Premier was speaking about that earlier today. It doesn't matter where you live in this province, whether it's Thunder Bay, Moosonee, Markham or Thornhill, all children are entitled to the same quality of education and the same access to books, equipment and everything else. That's what our educational program is all about.

Standardized tests at the provincial, national and international levels confirm that our students are improving. The Ontario government remains committed to ensuring that every willing and qualified Ontario student will have a place in the post-secondary educational system during

the double cohort years. That's a commitment we've made. It's a commitment I heard repeated not only by the Premier but also by the Minister of Colleges and Universities.

The 2002 budget increased our multi-year commitment to colleges and universities by an additional \$75 million to support greater-than-anticipated enrolment, raising it to \$368 million by 2003-04.

This government's commitment to fiscal restraint will ensure the delivery of critical priorities like health care and education, not only today but tomorrow as well.

I hope all members will support the motion for interim supply so that we can continue to deliver on our priorities.

The Acting Speaker: Further debate?

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to continue the debate on supply, and I'd like to make several points.

I was intrigued by the "spending wisely." I don't mean to take a shot at the minister, but it was he who signed the \$10-million tax break for sports teams that I think most Ontarians think was probably the largest waste of money.

I want to make several points on the finances of the province. I'll start off by saying that the province, in this year's budget, has said they are planning to sell off about \$2 billion worth of assets of the province. That really was one of the major changes in the budget. By the way, we're awaiting word on what that \$2 billion of asset sales will be.

The public should be aware that it was exactly four years ago that the government also announced the huge sale of an asset, and that was Highway 407. The 407 deal was the biggest sale of an asset in Canadian history. It sold for \$800 million more than CN Rail, our national rail, and Air Canada combined. The deal closed the day the election was called and the government used that money at that time to essentially have an election slush fund.

The reason I raise it is because in this budget, once again, four years later, leading up to an election, we have another huge sale of assets. The reason I raise it is because, firstly, the government hasn't announced what it will be. At one time, they said it was going to be Hydro One. That seems to be somewhat off the table. We still don't know where the government plans to get that roughly \$2 billion in asset sales, but I warn the public to be very wary of this.

The 407 was perhaps the worst deal made by any government in North America ever, and it was Mr Eves who put the deal together. What we found was that the government essentially completely abandoned the 407 users. The investors, the people who bought that road, in three years saw their investment quadruple. SNC-Lavalin owns a fairly substantial chunk of the highway and they said the company's stake in Highway 407 corresponds to nearly four times its initial investment of \$175 million.

This is the most desired toll road in the world. That's a fact. Nope, there's no toll road that is more sought after

by investors than the 407. There's an Australian company that says the reason they want it is because you can take the tolls up—they said—at a whim, without restriction. By the way, I would say to the public that when the 407 was sold we were told there were some controls on it. The owners say there are absolutely no controls on it. The tolls can go up at a whim.

1540

I raised this issue yesterday in the Legislature and the government, frankly, dismissed it. The Premier dismissed my concerns. It's this: Mr Al Leach is on the board of SNC-Lavalin and the 407, and I will say that Mr Leach is a well-regarded individual. This is not about Mr Leach. But he's on the board of SNC-Lavalin. They pay him \$100,000 a year retainer. They pay him \$25,000 a year as a director. He has 6,000 shares in SNC-Lavalin. He's on the board of the 407 corporation. All that is fine. He's been there since 1999. He used to be a cabinet minister here, and after he left the government he went on the board. He's been full value for them. The value of SNC-Lavalin's investment went from \$175 million when he came on the board to \$700 million today, so he's been great value for them.

But my problem is this: the government has decided to put him on the board of GO Transit, so he is now the vice-chair of GO Transit. In my opinion, he's in a conflict. Every single time he sits at GO Transit making a decision, it has a direct financial impact on the 407. I would say to the public, every time another 500 cars a day go on the 407 it's \$1 million a year in increased revenue for the 407 corporation. I don't think it's appropriate.

Yesterday I raised it with the Minister of Transportation and he said—

Interjection.

The Acting Speaker: Order.

Mr Phillips: Thank you, Mr Speaker. I know Mr Guzzo doesn't like to hear this, but I think it's important that the public does.

The Minister of Transportation said, "Well, you raised all these problems at the committee," when there was the appointment of Mr Leach, "and you lost there and you're going to lose again. So just go away."

But I say to the public, it is outrageous—by the way, SNC-Lavalin I believe is part of the consortium redeveloping Union Station, and if you look in GO Transit's annual report they say, "The refurbishment of Union Station is one of our major projects."

The reason I raise this is that if the government can't see a conflict there between an individual who has an enormous interest in a private sector company also sitting on GO Transit's board as vice-chair—if they don't see any problem with that, if that is just completely all right, I think the government's got a problem.

Mr Garry J. Guzzo (Ottawa West-Nepean): Take it to court.

Mr Phillips: Mr Guzzo, when he responds later, may choose to comment on that. But as far as I'm concerned, there's a problem there. As I say, the reason I spend the

time on it is because in this budget you're going to find another roughly \$2 billion of asset sales.

I wanted to comment on the question I raised with the Premier today too, which is that it is the government's plan to have corporate taxes in Ontario 25% below the US. They're going to be 30% in Ontario, 40% in all our competing jurisdictions.

Mr Guzzo: At least.

Mr Phillips: At least 25% lower. Again, Mr Guzzo is very supportive of that. I would just say to the public, here's the challenge with this: it means that in Ontario we forgo revenue of roughly \$5 billion. If I look at our competitors—and we have to recognize this; we are the most export-oriented jurisdiction in the world and virtually all of it goes to the US—our competitors now are the states of Michigan, Pennsylvania, New York, Illinois and Ohio. I watch how Pennsylvania advertises to attract business to go there. It's all about the quality of their universities. This is on TV right now. Frequently Pennsylvania is advertising on Ontario TV, "Locate in Pennsylvania because of the quality of our post-secondary education."

We've decided here in Ontario to compete on the basis of corporate taxes 25% lower than the US. I don't think that's sustainable, recognizing, by the way, that for companies in Ontario, it costs \$2,500 per employee less for health coverage than it does in the US.

This is a big decision. Premier Eves today said, "I am committed to this; 25% lower corporate taxes." I say that's an enormous amount of revenue—

Mr Guzzo: At least.

Mr Phillips: At least 25% lower. In fact, Mr Guzzo will recognize that they're telling the federal government, "Cut corporate taxes more. Get them down to where they're 40% below the US." Then they also say, "Give us money for health care." It's not that easy.

Interjection.

The Acting Speaker: Order.

Mr Phillips: Mr Guzzo doesn't like to hear this, but I want to talk a little bit about the point the minister of government services raised on investments in long-term care, hospitals and schools.

Let's recognize this: of the \$1.2 billion in long-term-care beds, not a penny of that has been spent. All of that is money organizations have gone out and borrowed on the understanding that over the next 20 years, the government will pay them \$10 a day per person who is occupying those facilities. So the government is saying that \$1.2 billion has been spent, but no, it's a commitment over 20 years to repay those people that other people have gone and borrowed \$1.2 billion from.

Frankly, it's the same with schools. The school boards are running up increased debt of \$500 to \$600 million every year. It's piling up off our books. If you look in the budget, you'll see that education capital used to be \$500 million a year. You can see it's down to \$4 million, \$15 million, \$10 million. How does that happen? It's because the province has said to the school boards, "You go

borrow all the money, and we will undertake to pay the principal and interest over 20 years."

By the way, it's the same with the hospitals. The two proposals for private sector hospitals are another way of getting somebody else to borrow the money, and the province will pay the principal and interest. But it is, by any other name, the province's debt. It's just simply on somebody else's books. You don't like to throw the term Enron around, because that has all sorts of connotations to it, but this is off-book debt financing that has to be accounted for by the province.

I want to close by saying that the public accounts still aren't out for last year. Normally, they're out in September or early October. I only raise this because I've been assuming the government was ready to table them at any moment. Whenever the public accounts are late, you start to raise questions. I'm looking for what's called the second quarter report, which is normally out shortly after the quarter ends at the end of September. It's not out yet.

The government acknowledged that we still have two sets of books in this province. They said they're going to get rid of them next year. I would remind the people of Ontario that we've got two sets of books. When Mr Eves became the Minister of Finance in the fall of 1995, I remember him very clearly saying, "We are going to get rid of the two sets of books," but the government has acknowledged that almost eight years later, we still have these two sets of books.

I assume that this week we will see the public accounts, but one can only start to have one's suspicions raised when they are this late.

The government tells the public that they are managing the finances well. The year ended March 31, seven months ago, and we still don't have our audited financial statements yet. In my opinion, that's no way to run a major organization responsibly, on a financial basis.

Mr Rosario Marchese (Trinity-Spadina): I'm happy to have this opportunity to speak today. It's almost 4 o'clock on October 22. It's a good political program. A whole lot of people are watching this program every day, wanting to listen to so many of us—I don't know about so many of us, but wanting to watch the proceedings of this place because a whole lot goes on.

1550

I want to start with the comments the minister made. He made reference to post-secondary. Just to begin with that, there is so much to say and so little time. And of course I have to share my time with my friend from Hamilton West, and I'm happy to do this. But the minister who read his speech just a couple of minutes ago was talking about how, at the post-secondary level, every qualified student will have a place in a university or college. He seemed so sure of himself, just like the minister of post-secondary education. They say it with certainty: "Everyone who is qualified will go. You just have to believe us."

What does this mean, Speaker, for your benefit? I know you're keenly interested in these issues. What it means is that because universities do not have room for

every qualified student, they're going to have to make it work somehow. What do you think some institutions are going to do? They're going to have to increase that which qualifies you to get into university by who knows what percentage. As an example, if you needed 75% or 80% to get into York, all you've got to do is increase that threshold and make it just a little harder for some of those students who normally would get in and make them not able to get in. That's one little trick that universities are going to use.

What's the other one? Well, those students who don't get into university or college are going to have to find a job. Many will end up having to work whether they like it or not. Neither the minister of post-secondary education nor the other Minister of Education, with their combined staff of 22 or 25, is going to have a little survey that they send out saying, "How many of you didn't get in this year? Could you please let us know, because we're keeping track. We want to let the people of Ontario know how many didn't get in." They're not going to have a survey saying, "How many of you were not able to make it?" But more students, men and women, are going to be working this coming year than ever before because there will not be a place for them in our post-secondary educational systems. Many of them will have to go out of this province to be able to find a university or college. But do you think your Ministers of Education—elementary, secondary and post-secondary—with a combined staff of 25 or 30 people, are going to do a little form that says, "How many of you have had to go out of the province to find a place?" They're not going to do that. Many students are going to have to go out of the country to find a university or college because they couldn't get into our institutions in this province. But do you think, with a combined staff of 30 or so between elementary, secondary and post-secondary ministers, that they could do a little survey saying, "How many of you left the country? We want to know?" They're not going to do that.

At the end of the year, both my friend Ms Witmer, the Minister of Education, and Madame Cunningham from the post-secondary educational level are going to say, "Every qualified person did get in. We've got no problemo here." But there is a big problemo, because the guy they hired, Professor King, told them a while ago that approximately 7,000 students will not find a place in a post-secondary educational system. This is Mr King. From time to time they do their own little studies.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): We asked him to do it.

Mr Marchese: I know you asked him to do it, and you kept it away from my little hands.

Hon Mrs Witmer: I just got it myself.

Mr Marchese: Oh, come on, Elizabeth. She says she just got it. Please, Speaker, she said she just got it. Do you believe that? I don't believe that. We hear that Elizabeth Witmer, the Minister of Education, got this document from Mr King in August. Do you think between their combined staff, post-secondary and elementary, all

30 of them, they couldn't find the time to read that report? Do you believe for a moment that they haven't received this report yet or just got it, when it was written a long time ago and was in their hands in August?

King says 7,000 people won't make it. The People for Education did a study and say 20,000 students are not going to make it. Whom do you believe? It doesn't matter. Between King's study of 7,000 not making it and the study done by the People For Education saying 20,000, what we know is certain, that many students will not have a place in our post-secondary educational systems. But the ministers continue to deny they've got a problem.

The minister of post-secondary education continues to say, "We have factored those numbers in. They will have a place." Mr King says no. Whom do you believe, Speaker? Of course I believe Mr King. Of course I believe the People For Education, who have done this study too. I don't believe the minister. It's the minister's job to make it appear to the public that we don't have a problem in Ontario, and everyone knows we do. But they have to continue to dissemble in a manner that it will appear they do not have a problem, but they do. Speaker, you understand that's one little problem I'm talking about. There are so many other problems in this field alone. In this area alone one could talk for hours.

Tuition fees have more than doubled since you people came into government. My daughter Stephanie, on the Mississauga campus, will be paying 4,500 bucks for a general program, excluding every other cost associated with post-secondary education—almost \$5,000. And some of the Tories say, "Yeah, but in the States it's even more." That's a great comparison. They usually compare us to the Americans when they want to talk about how low our tuition fees are—5,000 bucks. If you are in a deregulated program, Monsieur Guzzo, a former judge, here in Toronto, soon students in law will be paying almost 20,000 bucks a year. U of T is so proud, so proud to say, "Soon students will pay \$20,000 to get into our institution to become a lawyer and eventually, those who so aspire, to become judges."

Interjection.

Mr Marchese: That's a different issue.

The Acting Speaker: The member for Ottawa West-Nepean, come to order.

Interjection.

The Acting Speaker: The member for Ottawa West-Nepean, come to order.

Mr Marchese: No doubt, Monsieur Guzzo. But the big problem, the big barrier, before you can even pay those fees, assuming you like them or don't, is to have to pay close to 20,000 bucks, soon, to get into law. The government said the university is proud because they'll have an institution that will be able to compete with all those famous universities in the US where they pay oh so extravagant fees. This government is not unhappy that U of T is deregulating ad infinitum to wherever it wants. They've got no problem with that.

But I've got to tell you, if you come from a modest-income home, whether that be someone working in a

factory, someone working in a plant, someone working in construction, maybe cleaners, in the retail sector, in the service sector—you can relate to that, Speaker—some small farmer from some small town, which there are fewer and fewer of these days, because they're all big farm operations now—that's how they survive, I guess—all these people who come from modest-income homes, should they be lucky to want to go to U of T and become a lawyer, would need, in a couple of years, \$20,000 a year for tuition to get into law. This would exclude Monsieur Guzzo. If you have to come from somewhere beyond the borders of Toronto to come to U of T and you've got to reside here, it's \$15,000 to \$20,000; let's just say at the moment it's \$12,000, soon to be \$20,000. If you need a place to stay you've got to pay for that too. Factor that into it.

Conservative members say that's OK, because when you become a lawyer you will be well off, I'm assuming, unless you are working in legal aid, where it's only 78 bucks or so that you're paid. But it's OK; you should be able to make enough money to pay back your debt.

1600

I've got to tell you, if you want to become a lawyer or a doctor it is going to cost you a whole lot of money. I come from a modest home. I'm sure many of our members come from modest homes too, but if you are lucky that you come from a home where there is a whole lot of money, paying \$10,000, \$12,000, \$15,000, \$20,000 a year is not a big deal. If you are rich it is not a big deal at all, but if you come from a modest home, which includes a whole lot of families in this province, many of whom don't earn more than \$50,000 a year—in some cases, in most cases, combined income—they wouldn't be able to help a daughter or a son who wants to go to university or college in these deregulated fields like law or medicine or dentistry, because they wouldn't be able to afford it.

The Conservative members say, "That's OK," because that's what it's about: it's about an ideology. Speaker, you understand. It's about what you believe and what you value, and you guys—you are included too, Speaker—hold the view of the world as being a Darwinian one.

Interjection.

Mr Marchese: I know it's a big word. But it's a Darwinian society that you all aspire to, a dog-eat-dog kind of society where you make it if you are tough, where you make it if you are rich, and if you don't, tough bananas for you. That's the ideology you Conservatives have. Whether you understand it or not is a different matter, but that is the ideology you people aspire to and for. Some of you know it and some of you happily shaking your heads don't even understand that. That's the ideology you people support, unbeknownst to you, I suspect. I suspect that most of you don't even realize that's what is happening and what you are leading to because you believe you are doing the right thing, many of you.

Hon Helen Johns (Minister of Agriculture and Food): All of us.

Mr Marchese: All of you believe in that. The Minister of Agriculture says, "We all believe in it." You all believe in a Darwinian society where it is dog-eat-dog and you take care of yourself in this kind of society that you value. If you don't make it, "Tough luck. Not my problem." It's a sad world we are living in, but that's the kind of world we are confronting these days.

I was thinking of all the beautiful things, the good things we do. Do you remember, David, the Ontario savings office? These people want to sell it. It's called POSO; that's the acronym. It's a little example of something this province does well that we control. POSO was founded in 1922 to provide capital to fund our public infrastructure, including our highways. That's what it was founded for in the early period.

Now the government is talking about funding highway-building through the private sector. How ludicrous, when we have \$2.8 billion on deposit with the Province of Ontario Savings Office that we could use, profit we could use. The Minister of Agriculture doesn't agree with me.

Interjection.

Mr Marchese: She says it's an understatement that she doesn't agree with me. But I put this case to you, people of Ontario, when I speak. I certainly don't speak to the Minister of Agriculture when I am speaking directly to you. I put the case to you. We deposit \$2.8 billion and we make money out of this. I understand that the recent figure is about \$11 million that we make by way of profit out of this.

By the way, we provide a service to many communities that otherwise would never be able to have any other institution in which to put your deposit. POSO serves 70 Ontario communities with 23 branches, more than 100,000 accounts. Why would this Ontario Conservative government wish to divest itself of something that, first of all, makes money and, second, works for so many of our communities where they have no other bank? No other bank wants to get into some of these other areas, because they don't make enough money? They've been trying to sell it for the last year and can't find a banker. I guess they're stuck with having to have a profitable institution that makes money.

It must be hard on this government which wants to privatize everything it can. Just like the 407, which was making money and would have become public in 20 years or so, I think it was, under the NDP government, we would have taken that back after 20 years. This government comes into power—and the Minister of Agriculture who doesn't agree with me—

Hon Mrs Johns: Oh, that would be an understatement.

Mr Marchese: And it would be an understatement to say it, she says—sells the 407 to corporations who milk you Ontarians day in and day out. They squeeze you day in and day out, every day.

You drive on the 407 and you can see that the rates you've got to pay start at one point and they just never end. Prices on the 407 have risen over 100% in a short

period of time. Why? Because they can. That's the beauty of power. They privatized it so the corporations that are connected to that nice, little highway can milk you Ontarians day in and day out. That's OK with the Tories. That's OK with every Conservative member, because that's just the way it is.

They didn't like the idea that the 407 would revert to public hands. They detest the public sector. They want to diminish the public sector. They are reaching out to a little population out there that wants desperately to squeeze everything that the Ontario government does. Anything that is good, they want to squeeze it out of this province so that those few who own so much can have so much more.

It reminds me of what they want to do in health where they're privatizing health more and more. The government is proud to say, "Oh, many of our services are already privatized," as if to suggest in so doing they can continue to privatize more and more. It used to be 25% you would have to pay out of your own pocket; now it's close to 35% under this government. More and more is being privatized. These Conservatives hate the public sector. They love the private sector and, you know, the private sector pays them back in so many ways. Let me tell you how.

I want to give you a list, good listeners.

Interjection.

Mr Marchese: Hold on. You'll be right back? OK. I don't want you to miss these numbers.

Mr Bart Maves (Niagara Falls): What paper?

Mr Marchese: "What paper?" he asks. It's the Toronto Star. They hate the Toronto Star these days. I don't know why they are so hard on the Toronto Star.

Mr David Christopherson (Hamilton West): They like the Sun.

Mr Marchese: They do like the Sun.

Mr Guzzo: Remember what they said about you when you were in government.

Mr Marchese: Yes.

Mr Christopherson: It's no different than anybody else.

Mr Marchese: "CPL REIT gave more than \$22,000 to the Tories and received contracts to build 1,667 beds, with a potential of \$1.3 billion in government subsidies over 20 years." Not bad. "Smart investing. The same was true of nursing home giant Extendicare"—they contributed \$36,727—"which got contracts worth \$700 million in the long run." God bless.

1610

Dynacare health group, the largest private laboratory company in Ontario, gave Eves 25,000 bucks. RBC Dominion Securities' Tony Fell, the privatization chair of the University Health Network, coughed up \$10,000. God bless. Canadian Medical Laboratories Ltd, which provides lab tests and medical imaging services—private MRI clinics?—gave 10,000 bucks. KMH Cardiology and Diagnostic Centres—this is the private testing lab work—gave 11,000 bucks. Gamma-Dynacare Medical Laboratories covered all its bases by giving \$10,000 to

Clement on top of the money it gave to Eves. God bless. A very handsome \$43,000 came from Olympia and York properties, a major shareholder in retirement residences and real estate investments, and has 185 facilities. Central Park Lodges and Versa-Care kicked in a separate 5,000 bucks. They're divisions of the same trust. A list of pharmaceutical companies that donated to Clement's campaign is headed by GlaxoSmithKline, for 11,000 bucks. The cash total from pharmaceutical and drug store chains was 70,000 bucks. God bless.

And the list goes on. I just don't have the time to list. We're talking about bucks here. We're not talking about ordinary Joes, not the kind of bucks that would normally come from construction workers.

Mr Christopherson: They're paying hydro bills.

Mr Marchese: Yes, we're paying higher hydro bills than ever before. They're too worried about the next hydro bill that's going to come and whack them again and again. We're not talking about construction workers out there who are giving this kind of money to the Tories. We're not talking about cleaners in my riding who are making these kinds of contributions to the Tories. We're not talking about people who work in factories who are able to make these kinds of contributions to the Tories. No, we're not. We're talking about companies, Speaker, to your buddies, big institutions with a whole lot of money, and they want to give you as much as they possibly can. Do you know something? They don't give for nothing. When they give, they know something comes back in return. It's, "Scratch my back and I'll scratch your back," kind of politics.

Mr Christopherson: More than a thank you note?

Mr Marchese: More than a thank you note.

Hon Mrs Johns: Unbelievable, you guys. Unbelievable.

Mr Marchese: And when they make that kind of contribution, they come calling—to the Minister of Agriculture, who finds this an unbelievable kind of discussion—and the ministers are there, genuflecting, saying, "How much do you want? It's a small price to pay." You understand—

Mr Christopherson: The minister of shovelling it.

Mr Marchese: Yes, the shovels are long, and they keep on coming. "How much do you want? What do you want us to sell today? What do you want us to give you today?"

Mr Christopherson: "We'll change the law, raise the limits, and you can give us more," which they did.

Mr Marchese: You're going to have to speak to that, David.

This is a party that serves the wealthy so very well, all the while saying, "Oh no, we like the little guy too. We do it for the little guy because we love the little guy. Yes, the big guys come and they have the money, but oh, good God, we're not influenced by the big guys who give us loads of money. We care about the little person," akin to my friend John Snobelen, who cares about the little person he serves. I've got to tell you, John, you've got to retire. You've got to do the right thing. You have to tell

the Premier that you've got to have a by-election, that you're tired of this place. It's too tiring, I know. And listen, by the way, don't tell people about your ability to serve people through a fax. I don't think it works. It's not very smart.

Mr Christopherson: I hear he wants a horse stable out back.

Mr Marchese: I suppose Ernie Eves could put up a little stable in the yards. We could do that. I just want to advise John it's not smart. Have a by-election, John. Get out. Tell Ernie that's what you've got to do because it's not smart, it's not wise, it's not saving anybody any money.

By the way, that 10 million bucks you guys gave to those sports institutions: a dumb idea. It was pretty dumb. A lot of people believe it's dumb too. By the way, Madame Ecker, the minister, didn't want to share her knowledge of the problem. Mr Tsubouchi didn't want to share his knowledge of the problem. It was just a little roundabout kind of walk: "What do you think about giving sports companies a couple of bucks because they're so desperate? They really are so desperate."

Ecker probably said, "OK, all right. Did we talk to Mike?" "Yes, Mike told us we should do it." "Well, OK, if he said we should give them \$10 million, let's give them \$10 million."

Isn't it amazing how cabinet works? I don't know, it's just not the way I would do things.

But this government is so smart. They're smart. They wouldn't waste a penny of your money because, as Ernie Eves said today, "This is not your money, it's taxpayers' money." Thank God Ernie got on top of that agenda and said, "Enough of that." And Ecker was quick to fix it, God bless her little soul.

I don't know, there's so much to say. I do want to say, though, that I am happy that this government has deferred or delayed the tax cuts in the last budget: the personal income tax cut, the general corporate and manufacturing processing rate cut, the private school tax credit, the residential and business education tax cut. I've got to say to this government, thank God they deferred that; otherwise we would have been completely broke.

It's an interesting, dumb thing that is going on because the government says, "Tax cuts work." On the other hand, they say we've got to defer them, which they did. You did that in the last budget. It obviously exposes the contradictions, but I say thank God you did that because otherwise this province would have been truly broke.

I've got to obviously end this discussion because I know that the member for Hamilton West wants to speak to this, and there's so much to add. I'm so happy to have this opportunity to raise a couple of issues with the public, and I thank you, Speaker, for that opportunity.

Mr Maves: Just imagine what a pleasure it is for me to follow my good friend Marchese from Trinity-Spadina. They were very interesting comments he had today, especially when he quotes from his favourite paper, the Toronto Star, and takes an old clipping and talks about people's donations. Very interesting.

Interjection.

Mr Maves: It's always been the Toronto Star, I say to the member from Hamilton. It's always been the same opinion of that paper.

It's very interesting, though, that the member opposite complains and says this government professes to be for the little people. He was for the little people and he considered himself a little person, I think, one time when he gave himself a 45% pay increase when he was a trustee at a school board.

Mr Guzzo: Not him. He didn't vote for that. No, no.

Mr Maves: Sure he did.

Mr Guzzo: He voted for that?

Mr Maves: I say to the members, he voted for that when he was one of the little people, when he was a school board trustee. So he does in a sense take care of the little people.

But this government also does that and has done so probably better than any government in the province's history. One of the reasons why I can say that with a good deal of surety is that today I happened to mention in a statement to the Legislature that since 1995 Ontario has increased the number of net new jobs by 987,000 new positions. Some 987,000 net new jobs have been created in the province of Ontario since we were elected and started to implement our economic policies, which include a whole variety of tax cuts: provincial income tax cuts for all the citizens of Ontario; employer health tax reductions, which have a big impact on small businesses and create about 85% of the employment across Ontario.

I remember when I got elected in 1995, the Niagara region did a study asking what were the three biggest concerns business had, what were the three things that stifled them the most in creating jobs in this economy. The first was high taxes. High taxes robbed them of the revenue they made from their businesses and stopped them from reinvesting in their businesses to create jobs.

Mr Guzzo: Phillips didn't mention jobs today.

Mr Maves: He doesn't mention jobs any more.

Mr Guzzo: That was his number one issue.

Mr Maves: Sure, you're right, I say to the member for Ottawa West. You're right. Mr Phillips used to stand up probably six weeks after we took office and complained that we haven't created 750,000 jobs yet. He doesn't do that any more, because we surpassed that mark and we've been very effective in creating jobs.

1620

In fact, what's really amazing right now, I say to the members opposite, is the way the Ontario economy—the Canadian economy is going quite well also—is once again the leading engine of the Canadian economy. We created thousands and thousands of jobs this past year, despite the worldwide slowdown. The members opposite always like to say, "Oh, well, you can't take credit for economic growth; it's the American economy that's providing that economic growth." Maybe they haven't noticed, but the American economy hasn't been doing that well the last couple of years.

But Ontario chugs along. There's a great deal of investment in Ontario. A great deal of business people have stopped me and said, "You know what?" I had a

conversation with one gentleman who owns a business of about 60 employees. He said, "I used to dread going to my mailbox between 1990 and 1995 because invariably I'd get something from the government of Ontario, and it would be another piece of red tape that I had to deal with. It would be another tax that they were informing me of, that would rob me of the opportunity to employ another person here in Ontario."

You hear that from business after business after business. So I return to my good friend Mr Marchese opposite, who talks about people and businesses that contributed to campaigns. Well, you know, some people are awfully busy, and they choose different ways to be involved in the political process. Some people choose to take a placard and walk up and down in front of an office or a parliamentary building and protest; some people choose to work in campaigns; some people choose to be members of associations. Other people choose to donate money to different campaigns. People donate money to the NDP, people donate money to the Liberal Party, people donate to the Conservative Party, people donate money to the Green Party.

Now, why would businesses be interested in donating to members of the Conservative Party? Well, off the top, I just explained that this economy has created nearly one million jobs, net new jobs, since 1995. No longer do they go to their mailboxes with dread. No longer do they worry, "What new piece of red tape am I going to find out about? What new tax am I going to find out about?" No, they're not worried any more. When we surveyed businesses in the region of Niagara, that was a big problem; workers' compensation was one of the top three. No longer do they dread that system. We reformed that system. Rates are down across the province on average about 25%. Satisfaction surveys with injured workers show a high level of satisfaction now with the workers' compensation system, the WSIB.

So businesses will obviously say, "Look, these guys came in. First of all, they told us what they were going to do in 1995 in the Common Sense Revolution, told everybody right up front the different things that they were going to do to turn this province around, and then they did them." It was the first time in history in Canada that the government actually ran on a campaign platform and then did what it said it would do. Even the critics of Mike Harris and his Conservative Party, in 1999 and 2000 and 2001, said, "They did what they said they would do."

So why do people support the government? Well, their businesses are doing better. The businesses in Ontario are doing better than the businesses almost anywhere else in the world. Our economy is one of the few shining lights in the developed world right now. That is no accident.

They've gone to great lengths for the past five or six years. It's a constant refrain—that we haven't heard in a while—from Mr Hampton, "Oh, you've done nothing; it's all the Americans." We don't hear it any more, since the American economy has been in a real big slowdown for two years and ours is still booming. So it doesn't hold true anymore.

That's why, Mr Marchese, you should understand, these guys were going out of business. People were moving their businesses to Buffalo. They were getting out of Ontario in the early 1990s. They didn't want to be here. They couldn't create jobs here.

I'll give you another example. There's a truck-parts manufacturing company in my riding of Niagara Falls, organized by the CAW, good union jobs, as my friends in the NDP would say, good wages. In 1992 and 1993, the gentleman actually wanted to expand his business, but no way would he expand it in Ontario. That's a tragedy. Those were good, high-paying manufacturing jobs that would have accrued to my community. Over that time period, he ended up starting two plants in Buffalo. Those are two plants that could have been in my riding.

Now when that gentleman decides he doesn't have time to carry a placard in front of somebody's office, but he wants to indicate his support for a party and for the policies the party implements, because they've been good for his business and good for his employees, he writes a cheque. A lot of people write cheques to the Liberal Party—the same people—but maybe not as much because maybe they don't believe in what the Liberals stand for, but they believe in what we stand for.

The member opposite implies something, of course, that when someone gives you a donation, wink, wink, nudge, nudge, they're buying something. Then he has a low threshold, I'll tell you that. If he really believes people can write a cheque and get some particular policy they want, then he has a low threshold, because that isn't the way it works.

I've known this group of people in the government for seven and a half, almost eight years now, and I know that about each and every one of them. Maybe he's different. But I know the people on this side of the aisle. We have principles. We have policies that are developed on those principles. We implement those policies. The Canadian and Ontario economies have boomed over the years, and I'm proud of that.

Today we are here to talk about a motion for interim supply. The motion for interim supply actually covers a six-month period, from November 1, 2002, to April 30, 2003. We obviously have motions of interim supply all the time. What they basically do is allow the government to spend the money it needs to flow to hospitals, doctors, school boards, colleges, universities and so on. Without this motion for supply, we can't pay people who are in the employ of the government of Ontario. We can't transfer money to people. That's why we need this motion and why we come here and debate it.

I want to give some examples of some of the funding that will flow because of this. We've announced that we're going to start spending \$3 billion over the next 10 years on public transit. This year's money for that will flow out of this motion for interim supply. By the way, we're waiting to see if the federal government will match us on that. They always talked a good game about public transit and how important it was. Now we've said, "OK, here's provincial government money, \$3 billion, \$300

million a year. Where are the feds?" We don't know yet. We'll see if it comes.

Some other things: cultural facilities. We all have museums in our ridings. The member for Kingston and the Islands sits back and thinks fondly about the museums in his riding. Without this motion for supply, we can't flow them their money, the grants they have to operate their museums.

We've got SuperBuild funds. I know a lot of members of the Legislature have received SuperBuild grants in their ridings for a variety of different things. We've received a grant for \$3 million out of the tourism and recreation fund for a new community centre in Niagara Falls, which I'm extremely pleased about. It's a partnership with the city, the YMCA and some seniors' organizations. The federal government has decided they'll match that grant, and I'm delighted to see that in the city. We'll raise some money and the YMCA and the city will also put in a contribution. We look forward to that in my community of Niagara Falls.

We've also flowed a lot of money and made announcements in the past in health care in my region of Niagara. We've flowed it in the past, but we need to move forward and construct and use operational dollars that a motion of supply provides for a new emergency ward in Niagara Falls. We've flowed \$7.7 million for that emergency ward, and we're looking forward to breaking ground and getting that completed.

A new regional cancer treatment centre: that's huge for the people in Niagara. In Niagara, most people have to go to Hamilton for cancer treatment. We are building a new cancer centre in St Catharines to serve the Niagara region. We've already started on that, so we're delighted with that.

For the first time in over a decade, probably in about 18 years now, we started to build long-term-care facilities around the province of Ontario. In my riding, Casa Bella, it's going to be called, is being built in Chippewa, a 160-bed facility. I drive by it quite often. It's a very nice-looking facility that's going to be completed soon. We'll have 160 new residents, and a lot of new employees in Niagara will be working there.

1630

We have also rebuilt Dorchester Manor as part of this government's program to rebuild 16,000 old long-term-care beds. It's a beautiful facility on Kalar Road and McLeod Road in Niagara Falls that's being built along with the region of Niagara. I think we're going to be moving residents into that in about three weeks—a beautiful, sprawling facility—again, an investment made by this government.

There are other important investments that this motion of supply helps us with. For instance, in the Ministry of Transportation, Highway 420 in Niagara Falls is being totally redeveloped now, a \$22-million project. I'm absolutely delighted that it's moving forward. So this will free the money for that.

I don't want to just talk about the NDP because quite frankly, the NDP in the Legislature—we always know

where they stand on things. With all of the positive economic development that has happened, with all of the tax cuts that we've implemented, our revenues are actually up. Most people in Ontario don't understand and realize that, and sometimes I think the members opposite don't. As we've cut taxes, every time we've cut taxes, our revenues have increased. Why? Because there's been economic development that it spurred, more people hired, more people paying taxes. They're paying less taxes than they were, but there's more people working and paying those taxes. We've got more revenue coming in. As a result of that we've increased health care spending, for example, from \$17.5 billion to over \$25 billion.

The members opposite in the NDP will always say, in education and in health and in every other facet of government, that we should spend more money—even though we are spending more money throughout government, quite frankly. They want to spend more and more money. However, I have to give the NDP credit. The NDP is clear about saying where they're going to get more money. They want to increase taxes. They want to increase income taxes, and then they want to take that money and invest it in education and health and a variety of other things—all well and good. The people of Ontario know their philosophy. They've been through their recipe before, and if they want to choose it again, at least they know what they're getting. Even though the NDP and the Conservatives are on different sides of the political spectrum, the one thing that we can agree on is that we don't have a clue where the Liberal Party of Ontario is on a whole bunch of issues.

We know they want to spend, spend, spend, but a lot of the times we don't know where they're going to get the money from. One of the more interesting things that they've started to do lately—and my friend Mr Marchese from Trinity-Spadina has been very good at criticizing them for this—they talk about cancelling this corporate tax cut that this government has proposed to phase in over a five-year period. When we introduced it a couple of years ago, based on the economic and profit growth at the time for companies, it would have meant about \$2 billion, once it was totally phased in, that those corporations would have kept, reinvested and created more jobs. The Liberals have been quite clear that they are going to cancel that, but they wrongly believe that the day they cancel it they're all of a sudden going to get \$2 billion to fall from the sky and into their pockets that they can spend. Spend it, they have. They have spent this money so many times, we are losing track.

Here's one. They've got a \$1.6-billion education program, a bunch of add-ons to the current system of education in Ontario. They've been saying for about two years now that we've taken \$2.2 billion out of base funding for education. So one would assume that if they really believe that is the case—and it isn't, but if they really believe that's the case, first and foremost they've got to put \$2.2 billion into just the base funding to get it up to where they think it should be. Then on top of that they've got to add this \$1.6 billion in new spending

programs. So already, even if they did get rid of the corporate tax cut and realized \$2 billion, they've already spent it twice.

They're in here every day, every single one of them, telling us how we should spend all kinds of money, more money on home care and on hospitals and in every different area. As I say, my friend Marchese has done a wonderful job. He gets up every now and then and starts to list all the promises, all the different places where these guys go and tell the public they're going to spend this money. They have spent it 10 times over already.

We kind of look forward—when we eventually get into June 2004, when we go to the polls, it'll be fun to keep track of all of these promises these ladies and gentlemen in the Liberal Party make, add them all up and see how many times they're actually going to spend this corporate tax cut. It's already kind of funny, but it's also kind of sad, because Mr Kennedy, the education critic from Parkdale-High Park, will go into high schools and elementary schools around the province and promise all kinds of things. Then they'll tell their friends, Earl Manners and some other union leaders, all kinds of promises about money that they're going to give to them. Then their health critic will meet with some nurses' unions and some doctors and hospitals and promise billions of dollars to them.

Every time they go out, each one of their critics, they go to the municipalities and they promise the municipalities, "Oh, you'll be swimming in money; we're going to take care of you. We're going to take 2% of the gas tax and we're going to commit it to something." That has already been spent, and they don't talk about that. Each one of their critics goes around the province promising over and over to spend this corporate tax cut. So it will be interesting when we go to the polls in 2004, once we've totalled up all of these promises, to see how many times they're going to spend this money.

I'm getting to the motion here. I have to leave some time. I have a colleague who is going to speak and wants some time. I could go on and on. I could talk about the \$8 million for the new high school in Niagara Falls, St Michael's high school that's being built on that same McLeod Road, right near the new Dorchester Manor. I could talk about the \$40 million we've used to expand Niagara College to help tourism in Niagara Falls. We have a new tourism/culinary institute I'm very proud of. A \$20-million Brock University expansion is another thing that I'm very proud of that's part of the 79,000 new student spaces that we've created over the years. But I need to sit down and I need to save some time for my colleague. Mrs Munro from York North I believe is going to speak later, so I'm leaving her 10 or 11 minutes.

I thank you, Speaker, for letting me join in this debate on this motion.

Mrs Marie Bountrogianni (Hamilton Mountain): I wonder what the parents of the special-needs kids in my community think when they hear the member opposite from Niagara Falls say that things have never been so great, that the economy's booming, because their children are at home right now. Their children are at

home right now because there isn't enough money to pay decent wages to the educational assistants who take care of them.

I'm wondering what Mr and Mrs McQuhae think. They live on the west Mountain. Mr Christopherson and I share the Mountain. They're the parents of a six-year-old child with Smith-Magenis syndrome. The child attends Beverly Central School in the developmentally delayed class there. They have to keep her home, they write, since Thursday, and have been closely following the articles on the strike. "My daughter is developmentally delayed, uses sign language"—and I do have permission, Mr Speaker, to use this name and letter—"and will sometimes go into a sudden tantrum where she'll bang her head on the floor, wall or sometimes even another child. An EA is an absolute necessity with Sydney. So, although I am in favour of these professionals getting adequate pay and benefits, I am having a difficult time making Sydney understand why she cannot go to school and the days are long and difficult for her and myself.

"I don't understand how or why Dr Jim Murray"—the supervisor appointed by this government—"is getting paid \$1,000 a day during ratification of the strike. I don't understand how the government can just expect parents to drop their jobs to stay at home with a child that should be in school because it is both too hard and too expensive to get adequate daycare for special children such as these and I don't understand why we continue to pay taxes to have our child in school when in fact our child is not in school. We would love to see these concerns addressed."

This letter was written to the member from Hamilton West and cc'd to some of the other members.

1640

I'm wondering what Mark feels today. He sent me a note, but I did not have enough time to get permission to use his name, although I'm pretty sure he would let me. But I'll be safe and not use his son's name or his last name. This child has cerebral palsy and also needs an educational assistant. Mark feels very strongly that his child is being discriminated against because he's not at school with the other students, very strongly.

I remember when I got elected the very first issue I dealt with in my community was the fact that 23 special-needs children were at home because the board of education for the city of Hamilton did not have enough money for educational assistants. They finally found some money, and the kids were back in school in a month. This was in September 1999. Here we are again.

I know many of these kids personally from my work at the board. I have tested some of them myself; some of them, my department tested. I know many of the parents and I know many of the educational assistants.

I just want to give you a picture of what it's like to be an educational assistant. It's not just a helper; it's not just a babysitter. That's so wrong if that's the perception people hold, because they say, "Oh, they make \$22,000 or \$24,000 a year. That's enough for what they do." These people put their lives on the line quite often—their lives.

I remember one case—and she's a very vocal member of the local in Hamilton—was actually stabbed by a student. This was a severely behaviourally disordered autistic student who, by the way, is doing just fine now, after years of work in the system. This was a few years back. Part of my job was to do risk assessments. Every once in a while I would go in, and every once in a while I would recommend to the board, "This student is far too dangerous for this class" or for the board in general and, "This teacher should not be alone," and so forth. For this one case, I did recommend to the educational assistant that she may perhaps want to change her assignment. Because of the student being autistic, because they tend to repeat actions, I was really afraid for her safety. She loved this kid. She said, "No, I'm going to go back. I'll be more careful. You teach me strategies to be more careful, but I want to go back." She's there on the picket lines today, fighting for better wages for herself and her colleagues, and we're there with her; the opposition in Hamilton-Wentworth are there with them.

I'm just wondering how they feel as well when they hear about this booming economy and they're living on \$22,000 a year—very difficult work. As well, some of the educational assistants work with the younger kids. Early childhood education is very important. Some of them are out now as well—what few remain in those classes. Unless there's a special-needs child in those classes, there are very few left in early childhood programs now. That used to be a given 10 years ago. If you had a kindergarten or a JK class, you had an educational assistant in that class to assist the teacher. In the daycare act, the same-age children had many more adults with them than in the school system. That was something I could never really understand: why it has to be different in the school system when they are children of the same age and have fewer adults taking care of them and teaching them.

I also wonder how high school students are feeling today when they hear the member for Niagara Falls saying that everything is great and we have a booming economy. Mr Marchese spoke about the double cohort review. It was last Thursday when we asked the question in the House with the document, Dr King's research, that showed that perhaps 6,000 to 7,000 students will be without a space and that 75% of the grade 12s are graduating—not 60% of the grade 12s are graduating, as the government funded. The government knew this was a low estimate and yet that's what they chose. The estimates were anywhere between 60% and 90%. I believe the responsible thing would have been to pick the average, which was 75%, and fund on that, which turns out to be the number.

What's really interesting here is that years ago, when Premier Eves was finance minister, his policy adviser correctly predicted the double cohort numbers. He correctly predicted that 75% would graduate at the same time as our last OAC class graduated. This gentleman is also working in the Premier's office today, obviously a bright guy who obviously used the right equations; he

knew exactly. Yet you did not prepare for the double cohort. Yes, we can argue about money, but we can definitely say for sure—and this is a fact—that this was a very poorly planned endeavour, this preparation, or lack of preparation, for the double cohort.

I talked last week, Mr Speaker, about a wonderful young woman from your riding of Perth-Middlesex, Anne Conlin, a medical student. She comes from a town that has no doctors at all. I know you know about these needs. She worked two full-time jobs to pay for her tuition at McMaster as an undergraduate and she was quite prepared to do the same for medical school. In fact, I can't even begin to believe that this young woman worked two full-time jobs and still got the competitive marks to get into medical school. It is so difficult to get into medical school. You have to be top-notch. For her to do that means she's a remarkable young woman. She was quite willing to continue to do that. She did not qualify for OSAP but she did not come from a wealthy family either.

Then former Premier Harris came along and deregulated the program. Her tuition went up from \$5,000 to \$15,000. She then had to scramble to get a bank loan. What she said to me, which was equally disturbing, was, "I had a couple of other friends from my town who also wanted to go to medical school, but when they saw what I was going through, they said, 'Forget it, we're going into another venue. It's not worth it. We would have loved to come back to our town. We would have loved to be doctors in our hometown, but we can't afford it.'" That was the shame. She's making it. Come hell or high water, she's making it, but others have been totally distressed over her experience and are not going to go. It'll be your riding, Mr Speaker, that will suffer for it, because these are wonderful, brilliant young people and we need to encourage them.

The students wanted me to dispose of a myth that medical students who agree to go and work in rural or underserved areas get all their tuition paid. That's not true. They get a fraction of it paid; \$27,000 ends up going to them after they graduate. The average loan now of a medical student can be anywhere from \$75,000 to \$100,000. So that \$27,000, although a help to some families, is not enough incentive for anyone to give up three years of their life going to an area and not having the choice of serving where they want to serve. It's just not enough. They're really insulted at the fact that the public has been told that it's free tuition. It's not free tuition; it's a fraction of the cost.

Some of the students out there are telling me that they're not only afraid of not getting into university because of the double cohort situation but are afraid of not getting into the program of their choice. So maybe there is a spot for someone from southern Ontario in the north or someone from northern Ontario in the south, but it may not be in the program of their choice. They are concerned about that.

Lastly, they're concerned about the quality of education. They're concerned that even if they do get a spot, a

spot in a program that's not of their choice, are they going to be taught by professors or students? Are they going to be taught in classrooms where they have to sit on the floor or in portables, as we have now in McMaster in Hamilton, or are we going to have decent lecture halls?

So those are the concerns. We brought this up last Thursday. The response was, as Mr Marchese so eloquently quoted the minister, "We will fund every interested and motivated"—what is it?

Mr Marchese: Qualified.

Mrs Bountrogianni: "Every qualified and motivated student," the mantra. That's great, but you should have given the money two years ago.

Last week the Minister of the Environment was heckling me when I said it takes \$6,000 on average to interview a professor. But that's the truth. We don't have an abundance of PhDs in this country or anywhere. They're a minority. So we fly them in. And if they're going to relocate to a university town, they usually want their significant other to come along to see if they like the community, what the housing prices are like and if they like the schools. It's a big deal for them to move to another community, and most do that. Most of the professors have to come from somewhere else, especially in some of the other universities outside of the greater Toronto area. McMaster did a study on this. It costs approximately \$6,000 just to interview a professor, and that's with no guarantee the professor will be hired. Again, it's poor planning. If you give the money now, that's great. The universities will have to feverishly begin the hiring process for the extra professors. But it's poor planning to have this done at this point in time. The member from Niagara Falls says the economy is booming, but I really wonder what my constituents feel when their children are not in school because of the educational assistants' strike, when the student groups I talk to and the families I talk to can't afford to send their kids to school, or if they can, are worried if their kids will have a space or not.

1650

Mrs Julia Munro (York North): It is my pleasure to be here to discuss interim supply. This motion gives the government the spending authority it needs to run the province and to operate the many programs Ontarians value. Without the authority provided by this motion, payments to all our funding partners and for government programs cannot be made. The proposed motion for interim supply would cover the six-month period from November 1, 2002, to April 30, 2003.

Sometimes we tend to forget how far-reaching the impact of provincial government really is. With this motion we will be able to sustain our municipal partners and continue to support strong cities, towns and rural communities. These communities are vital to achieving economic prosperity and to ensuring the people of Ontario have the quality of life they deserve. Our economic prosperity and the continued success of our municipalities depends on the measures we take to make it happen.

In the 2002 budget, the Minister of Finance announced a provincial commitment of \$520 million for municipal infrastructure, including investments in clean, safe drinking water, public transit, and community recreational and cultural facilities. Municipalities are counting on the transfer of these funds, as promised. This motion will ensure that.

This government has taken a number of measures to support our communities. Undertaking property tax reform in 1998 has resulted in a fairer and healthier revenue source for municipalities. The current value assessment system now in place provides up-to-date assessments that are a fairer and more reliable assessment base for municipal and education property taxes.

In undertaking reform, the province also committed to providing more than \$1 billion in property tax relief by 2005, with \$500 million going to businesses and \$500 million to residential property owners. To date we have implemented \$650 million of that commitment. In 1998 we also undertook the local services realignment, which changed the way the province and Ontario's municipalities manage and fund key services. Again, we wanted to ensure that the exchange was fair to all municipalities. To this end the province provided municipalities with funding through the community reinvestment fund.

Why is this important today? The interim supply motion will ensure this funding flows to municipalities as required so that they are able to maintain their services without interruption.

This motion will also support the province's Smart Growth initiative to promote and manage growth in ways that sustain a strong economy, build strong communities, and promote a clean and healthy environment. These goals are funded by SuperBuild, the agency created to oversee capital investments throughout Ontario and to ensure we have first-class infrastructure for the 21st century.

The 2002 Ontario budget committed \$20 billion for SuperBuild projects over five years, the largest investment of this kind in Ontario's history. Investments will be made in highways, transit, universities and colleges, hospitals and community facilities. In my riding of York North it is very evident that those investments are being made in highways and transit and in our community hospitals.

Funding will also help municipalities: invest to bring them into compliance with the new Ontario drinking water protection regulation and to make other improvements to their water and waste water systems; improve and modernize cultural, recreational and tourism facilities; and enhance and expand public transit and renewing municipal bus fleets.

The motion for interim supply will also authorize SuperBuild to spend the Millennium Partnerships funding for strategic investments in large urban centres outside the GTA. London, Hamilton, Niagara region, Ottawa, Sudbury, Thunder Bay, Waterloo region and Windsor will benefit. These municipalities will be able to use their funds toward various projects, including down-

town revitalization, water and sewer upgrades, environmental remediation and road improvements.

The Ontario budget also announced strategic infrastructure investments in the GTA through SuperBuild to help the area meet its economic and population growth needs. These investments will enable the GTA region to remain among the world's first-class urban centres.

The province has made GTA capital investments in health care, education, transportation, environment, justice and technological innovation. Investments were committed to revitalize the Toronto waterfront, new hospital construction and renovation in the GTA, as well as major projects at colleges and universities to address post-secondary growth needs.

The government believes municipalities must be able to move forward with important infrastructure projects, such as new water treatment facilities, sewers and roads. Interim supply allows them to do just that. In addition, municipalities often need to borrow funds to support their investments in infrastructure. The province wants to ensure that their borrowing costs are as low as possible.

We also understand that municipalities are facing pressing fiscal challenges and they need to be able to address these challenges with new financing tools. That's why the government is proposing the opportunity bonds program. Once legislation is passed, this program will help municipalities raise new funds for capital investments that will help to promote new growth and new jobs. Opportunity bonds are essentially tax-free bonds that provide a low-cost financing tool to help pay for long-term capital projects. To support this program, the province is creating the Ontario Municipal Economic Infrastructure Financing Authority that will manage a pool of capital that municipalities can access. This program is being launched with a \$1-billion capital injection to fund projects at interest rates 50% below what municipalities are currently paying. An additional \$120 million, to be fully dedicated to water and waste water projects, will also be provided through the Ontario Clean Water Agency. Our government is currently consulting with municipalities and other key stakeholders on the overall design of the opportunity bonds program.

To stimulate investment in communities, the province is developing a made-in-Ontario tax incentive zone program. Once legislation is passed, this program will offer tax incentives to stimulate new growth within identified communities. Businesses will be encouraged to invest, locate or expand in tax-incentive zones to help encourage economic growth and job creation. This program will assist communities that are experiencing challenges in attracting investment and creating jobs and help them break down the barriers to growth. We are currently consulting on the design and implementation of the program with community and business leaders.

1700

While we consult with community and business leaders on the overall design of the tax-incentive zone, the government recognizes that many communities have been actively pursuing economic development oppor-

tunities and would welcome the opportunity to use a tax-incentive zone program to further their efforts. That is why we are moving forward with six pilot tax-incentive zone projects. Municipalities had until October 18, 2002, to submit expressions of interest in hosting one of six pilot tax-incentive zones.

The response from municipalities has been overwhelming. Many have told us through the consultation process that this program represents a new tool for Ontario's communities. It is a demonstration of this government's commitment to the belief that strong cities and communities make the largest contribution to the continuing prosperity of the province and of the country. We are committed to working with municipalities, the federal government, the private sector and others to meet the needs of our urban communities.

There are many challenges ahead, but we are certain that we have the right fundamentals in place. Our commitment to the health of our communities and to our quality of life will guide us through.

Mr John Gerretsen (Kingston and the Islands): I'm very pleased to join the debate on interim supply, which gives the members an opportunity to speak on a number of different issues, and there are a great number of issues we could be talking about.

We could be talking about the increase in hydro rates that many Ontarians are suffering from these days, directly contrary to what various ministers who have been in that position have stated over the last year or so: "When the energy markets open, the rates will go down." Of course, we all know now that in a lot of cases that has not happened. As a matter of fact, people are taking up petitions against it to make sure that the Ontario Power Generation corporation doesn't get the 20% reduction in the rebates they've applied for before the energy board.

We could be talking about the double cohort issue, an issue that we in this party have talked about for the last three years. I will never forget. Mrs Dombrowsky and I attended a meeting one day at a high school in Kingston about three years ago, right after the 1999 election. We thought we were going to meet with about 20 or 30 people and there were well over 300 parents and grade 9 and 10 students who were deeply concerned about whether or not the government was prepared to deal with the double cohort situation. A government representative was invited to the same meeting and didn't come. Ever since then we've heard the same mantra: "Yes, we are prepared, we are prepared."

I'll give them credit to some extent. There are buildings going up. In Kingston we are the beneficiary of a major new building that's going up at Queen's University at a cost of \$30 million to \$40 million, and the same thing at St Lawrence College, where they're spending about \$20 million to expand the physical facilities. I know the same thing is happening elsewhere in Ontario. But that's not what we've been talking about. We have been talking about the operational money that is required to make sure that the additional number of students who go to university and college will have the same quality

education that students were getting who have gone to university over the last five, six, 10 years, and they won't.

I had a conversation last week with the principal of Queen's University as well as with the president of St Lawrence College, and they both openly admitted that the class sizes for first-year university and college students this year will be much larger than before, by several thousand if you take that over the number of universities and colleges. You're looking at an additional, I suppose, 500 students per campus who will be coming in in first year. They all admitted that the class sizes will be significantly larger than before. I know the government will say, "Oh, well, it really doesn't matter whether or not somebody takes a first-year lecture in a class of 150 or 200," or maybe it used to be 200 and it's going to be 250 students now. If you use that attitude, then why not let it jump up to 300 or 400 students per first-year class?

Interjection.

Mr Gerretsen: So that's the argument. Then make the argument in here that there are too many teachers in universities, that there's nothing wrong with larger class sizes. You can't have it both ways.

The point is, the people that are teaching in these universities and colleges, that run these places right now, are saying that as a result of your policies, as a result of not giving enough operational money, the effect on the double cohort year—or years; I suppose it may take a couple of years—will be that those class sizes will be much larger. At least have the decency to admit that to the people of Ontario.

Anyway, the issue is that the students that are going into university and college this fall will first of all have to have higher marks than has been the case over the last five to 10 years and will have larger class sizes as well. And, as recently came out in the report from Dr Alan King, there will be about 7,000 students in this province that the government hasn't accounted for at all. That's going to be a major issue.

What I want to talk about, though, is those forgotten souls, many of whom don't have anybody fighting for them, who live in long-term-care facilities.

The Acting Speaker: Order. There are conversations going on. This class is too big and I'm going to make it smaller. Only one at a time and it's the member for Kingston and the Islands.

Mr Gerretsen: There are 61,000 people that currently live in long-term-care homes, and I like to use the word "homes" and not "facility" because they are homes that these people live in. Over the last three to four months I've had an opportunity to visit a fair number of these homes. I've always been extremely well received. I've always been extremely proud of the many people that work in these homes, that look after the elderly in our society that are probably there until they leave this earth and make life as comfortable for them as possible.

But I find it totally unacceptable as an Ontarian, as somebody who has received quite a bit of the advantages

that Ontario life and Canadian life has to offer, that we in our province provide less nursing and personal care hours for the people that live in our long-term-care homes than they do in Mississippi and Alabama or about 10 other jurisdictions. This government in their own funded study clearly indicated that this was the situation. I find that totally unacceptable, that we provide less nursing and personal care for the elderly, many of whom have absolutely nobody to speak for them.

That's not a reflection at all upon the wonderful people that work in a lot of these homes. The problem is they're simply overworked. They simply cannot keep up with the demands on them. Just go into any nursing home and compare that to a situation that existed 10 years ago as far as the number of people that work there is concerned.

Also, when you take into account that the people who live there are much older and they're in much frailer condition than used to be the situation, we surely owe it to our senior population to make life in these nursing homes as good for them as possible. We should be striving toward the highest possible level and not the lowest common denominator.

Another group of people that are very much affected are the people that are not getting much-needed home care right now. On September 18, 13 different organizations in this province, from the Alzheimer Society of Ontario, to CARP, to the Victorian Order of Nurses, to the Retired Teachers of Ontario, to the United Senior Citizens of Ontario, to the Ontario Health Coalition, the Older Women's Network, and I could just go on and on, wrote a letter to our Premier. Let me just read you some parts of that letter.

It says, "All of us"—namely these 13 organizations—"continue to receive an overwhelming number of cries for help from Ontarians barely surviving without adequate care, especially seniors with long-term-care needs and others of all ages with disabilities whose needs are not being met. Health care workers are forced to leave the sector ... and family caregivers facing emotional, physical and financial bankruptcy." They pleaded with the Premier, "Please live up to the commitment that you made in 1998."

Since it's all the same government, the same group of people—the Premier then was the finance minister, but it's not a different government; it's exactly the same government. You said to the people of Ontario, "We will invest \$551.8 million over the next seven years into community care," and that hasn't happened. What has been put in is \$269 million, and for the last two years the budgets have been frozen. A minimal increase was made just recently. I can't remember the exact amount but it was in the neighbourhood of \$20 million to \$30 million when it should have been \$141 million.

1710

If we all agree that it is better for people to stay in their own homes as long as possible, that it is better for people to recuperate in their own homes after having been discharged from a hospital, then surely we owe it to

those people that we look after them and give them the community and the nursing care they require there, and it's not happening right now. Are some people getting care? Yes. Are the nurses and the personal caregivers doing the best job they possibly can under the circumstances? Absolutely.

But there is a whole group of people that is not getting any services or any care at all. One of the statistics I've asked for—as you may recall, when a number of hospitals and hospital beds were closed in this province, a solemn commitment was made by this government, back in 1996, 1997, that every penny that was going to be saved as a result of a hospital closure or a bed closure was going to be put into community care. I have asked over and over again in estimates, in letters to the minister, “Provide me with those figures. How much did you actually save in the system as a result of the hospital closures?” Of course, they never want to talk about that because literally billions of dollars have been saved and a minuscule amount of that money has gone into community care.

Even a person like Duncan Sinclair, a man for whom I personally have a awful lot of admiration—I've known this gentleman for a number of years—has said, and let me quote to you what he said about the situation, “There is no question that those people right now who need home care and aren't getting it face individual crises.” I just hope and pray—

The Acting Speaker: The members for Etobicoke and Ottawa West-Nepean, if you want to carry on a conversation, get up close beside each other and whisper in your ear. I'll not warn you again.

The Chair recognizes the member for Kingston and the Islands.

Mr Gerretsen: Duncan Sinclair continues to say, “I just hope and pray that doesn't escalate into a general crisis, as I fear it may.”

To the people of Ontario: if I could just tell them one sort of statistic, the most telling one of all is the fact that, yes, we are spending more money than we did in 1995 by some \$7 billion; I'll grant you that it's gone from \$17.5 billion to \$25 billion. But in terms of the gross domestic product, what we actually produce in this province, in terms of that, we are spending less on health care as a percentage of the gross domestic product now than we did in 1995.

In 1995 we spent something like 5.6% of the gross domestic product. We produced in this province at that point of time \$330 billion worth of goods and services, and \$17.5 billion of that was spent on health care. Today, according to the government's own figures, our gross domestic product is more like \$450 billion, and we're spending \$25 billion in health care, which is less of a percentage that we spend on health care now: 5.3% rather than the 5.6% that we spent there before.

So I say to the people of Ontario, we have a crisis in health care for one reason, and one reason only. The reason that people are not getting the proper kind of long-term care in long-term-care homes or community care

through the community care access centres is for one reason, and one reason only: this government has decided it doesn't want to spend any more money in that particular area. That's the sole reason, not because the system is going broke.

Mr Christopherson: In speaking to this interim supply bill, at the outset let me say that for all the government's propaganda about how wonderful everything is, the immediate context for this discussion today, certainly in my hometown of Hamilton, and I see no reason why it wouldn't be the same in every community across the province, is that there are people right now who don't know how they're going to get through the winter because they can't pay the hydro bill that's in front of them now, let alone the hydro bills that are coming as we get closer to Christmas and as we get further into the winter season. There are people right now in Hamilton who are facing the prospect of having their hydro cut off because there's a new plan in Hamilton, thanks to your deregulation. That plan says that if you're behind in your hydro bill long enough, far enough and for a great amount, the greatest amount of money—

Interjection.

Mr Christopherson: Nobody's perfect.

Interjection.

Mr Christopherson: I'm not getting out of that one. It's just going to go the way it's going.

The problem is that they owe the money, hundreds and hundreds of dollars above what they normally pay in hydro, that they can't pay. They not only have to pay that, but because they weren't able to pay that, they're expected to come up with \$400 more to go on their account to prevent their hydro from being cut off.

If you're a disabled person in Hamilton or a senior on fixed income and you could barely get by before and now you're falling behind and you're facing the scenario I've just described, you don't exactly see the province of Ontario the way the government backbenchers would like the world to believe the province is. If in Hamilton you're one of the parents of a child with special needs and you couldn't go to work today or yesterday or last Friday or last Thursday because you had to be at home with your special-needs child because you couldn't send that child to the classroom because the educational assistants are out on the picket line fighting for a decent wage for themselves and their families, then I assure you they don't see the rosy kind of Ontario that the government backbenchers want to stand up and talk about today.

I'm going to come back to some local issues in Hamilton, but I want to spend about half of the 18 minutes I have talking about the macroeconomic policies of this government, and then I want to talk further about what those policies mean for my fellow Hamiltonians.

The statement was repeated just a little earlier by the member for Niagara Falls that the wondrous and miraculous beauty of their tax cuts is that they can cut the tax rate—this is the way they put it—and because that spurs so much economic investment and that then spurs

the creation of jobs and then that spurs further economic activity, they've got proof that their tax cuts increased revenue, because of course they cut the taxes, it stimulated the economy and then, although there was less revenue from those tax cuts, the increased economic activity has generated greater revenue. That's the theory, that's the mantra. We've heard it from day one. I remember saying at the time, all through the late 1990s, when they brought the revolution forward, that you can say anything you want when the economy is booming. You could say that the reason—

Interjections.

Mr Christopherson: I haven't even got to my point yet and you're already riled up. Wait till I get to my point.

Mr Bob Wood (London West): You have the wrong premises.

Mr Christopherson: I don't have the wrong premises. You do. I'm just reflecting what you've been telling us and feeding us from that side for so many years now it makes my head spin. You can get away with making the kinds of outrageous statements that you have because, I grant you, you could go to the tax line in the budget book, I make no bones about it, and you're able to show where you cut the tax rate and the revenue had gone up. Absolutely; those two things are facts. You did cut the rates and the revenue did go up.

1720

We argued at the time, and I argue still to this day, that the reason you were able to say that was because there was such an enormous economic boom going on across North America, led by the US economy, not ours; they had the biggest economic boom they'd ever seen in their history. Of course we know what happens to booms and bubbles, but we'll go there in a minute.

When that's happening, with the economy roaring away, led in large part by the auto industry in Ontario—and again it bears repeating: somebody who decides to buy a brand new car who lives in Wisconsin doesn't give a hoot about what the tax rates are in Ontario even though we will benefit from the job stimulation that we get as a result of that demand because we produce those autos with the skilled workers we have and the competitive edge of our public health care system, worth—I should know the number—between \$6 and \$10 an hour, in terms of a competitive advantage that our health care system gives us.

With that kind of dynamic going for you, and I grant you, that's exactly what you had, you could stand up and say anything. You could stand up, as you did, and say your tax cuts created the increased revenue, you could say that it was your policies, you could say it was the fact that you changed the colour of the House in here from blue to green, and it makes no difference because the numbers work. When you're in an economic boom driven by the US economy that at the time, in the late 1990s, showed no sign of slowing down, you can't go wrong. It's actually fairly easy—believe me, I've been here the other times. It's a lot easier to govern in boom times than it is in recessionary times.

At some point it would be nice if somebody over there, just once, acknowledged that Ontario was not alone in an isolated recession from 1990 to 1995, or 1990 to 1993, the actual recession times. Come on. Everyone knows that it was a worldwide recession; we all know what happened with free trade, the jobs we lost, and the fact that the federal government under Brian Mulroney did not step in and help out the provinces as they'd done in the past. I don't hold my breath, but one lives in hope. You never know; it might happen.

But what's interesting is that now that the artificial bloom is gone, the government, after September 11, again turned to their magic elixir formula and said, "Tax cuts do everything. As long as we cut taxes, it always generates more money, and that always gives us the economic lift that we need." So when we came back here after the tragedy of September 11 last year, one of the first things the government announced was that they were moving up, accelerating the implementation of some of their tax cuts. Why? Because the magic elixir is there to be used. So when we're in a bit of a jam and it looks like things are going to get rough—believe me, far too much has been put on the fact that September 11 has caused the downturn. It accelerated it and exacerbated it but it was happening anyway. But that notwithstanding, the government rolled in and said, "We've got our magic elixir. It worked for us before; it's going to work again. So we're going to move those tax cuts up, and that's going to insulate, inoculate, the province of Ontario from any kind of economic woes or downturn that may happen around us," because of course this government takes credit for every bit of the economic boom that happened in the late 1990s. They take credit for every bit of it. I think they got to the point where they actually started to believe their own advertising. They actually started to believe that they had this kind of omnipotent power.

We had a leadership change. We went from Premier Harris to Premier Eves. As memory serves, that was Premier Harris. Then things weren't so good. The economy in the United States took a sharp negative downward turn. You didn't have the benefit of the roaring economic demand that you had throughout the 1990s. In fact, when your economists did some projections based on the downturn and how that's going to affect Ontario's economy, you had a revenue problem. Given that the new Premier was now on the ramp-up part of a provincial election, the last thing he wanted to do to keep that balanced budget would be to start slashing everything again, as he did before, to pay for those tax cuts which, by the way, were supposed to make us recession-proof.

The mantra was there in 1995, 1996 and 1997: if we as Ontarians just take the hit now, be grown up about this, understand they're providing leadership and tighten our belts; if we do all that, then—which would have been now, at that time—in the future we'd be inoculated, we'd be recession-proof because we'd have these economic foundations; the fundamentals—remember the fundamentals, Speaker—are sound. Whenever you hear a finance minister say, "The fundamentals are sound," worry. That's what the finance minister of the day was

saying: "The fundamentals are sound." Except that when their experts rolled in and started to show them the numbers, things weren't looking so pretty any more.

You would think the former finance minister, who had been the fiscal architect of the financial aspect of the Common Sense Revolution, who led the charge with the magic elixir—now that he was the grand pooh-bah of all of Ontario, there shouldn't have been any doubt that what would happen is that we would see more tax cuts immediately. We would have the House sit 24 hours a day, ram those legislative bills through here and get those tax cuts in place. Why? Because the magic elixir tells us that whenever we do tax cuts, our revenue goes up.

If we've suddenly got a revenue problem—which really wasn't supposed to happen in the first place, but besides that—let's just use the magic elixir formula. We all waited, because that's what they told us before; that's why we did so well in the 1990s; that's why the revenue went up; that's why after September 11 they moved up tax cuts. All of these things were because of the magic elixir: tax cuts are everything. They've told people they can do all these tax cuts and, "Don't worry. Everything else is going to be good. You can have both. You can have your cake and eat it too. You can have the tax cuts and everything else will be fine." They've got the magic elixir, you see.

What we should have seen this spring, given the forecasts, was the magic elixir writ large. We should have seen tax-cut bills this deep brought in here. This House should not have slept until every one of those tax-cut bills was enacted, because we were in some trouble, and when you're in trouble, you go to the elixir.

Mr Guzzo: You learn quickly.

Mr Christopherson: I hear the members opposite saying I learn quickly.

Mr Maves: Now you're getting it.

Mr Christopherson: Another one's saying, "Now you get it." Isn't that interesting, because—

Interjection.

Mr Christopherson: That's what you did. You sort of backed off the elixir, because what happened, as we now know, is that they deferred all the tax cuts that were in place.

Mr Maves: No.

Mr Christopherson: Most of them; not all of them, most of them, the big-dollar ones.

This is not something the government wanted to do, because it upset some of their folks, and I'm sure it caused a lot of consternation in the government caucus meetings. I'll bet it would have been interesting to be a fly on the wall and hear that debate.

Why would they do that? It makes no sense. It's not like the new Premier doesn't understand economics. He used to be the finance minister to the master elixir guru, Mike Harris. It's not that we had a change of party. He still belongs to the same party, same caucus. I look over there—same folks. But they didn't do it. Why would they do that? Why would they back away, especially after, according to a couple of my friends, people like me are just starting to get it? According to them, I am just

starting to understand, because most of us ordinary mere mortals in Ontario don't understand high finance. That's the Tories' domain.

1730

Government backbenchers say to me, "Finally you're getting it." Actually, I'm more confused than ever, because right at the time you say I should get it and I was sitting here in my place waiting for that budget document, waiting for all those tax cuts, the magic elixir that was going to make revenue go up, it didn't happen. Why? Because when you cut taxes you have less revenue.

Interjections.

Mr Christopherson: See, they don't like that. Now we're at the point; now you can get upset; now you've got something to be upset about. The only problem is that the facts are getting in the way of your story. The facts are spoiling the elixir. It's becoming tainted. It's not doing what it should do any more. More than anything, the fog has cleared.

We're left in Ontario with all the damage and wreckage you've done along the way, telling us it's all for a better tomorrow. Tomorrow is here and we're in a hell of a mess. You couldn't apply the magic elixir because it's not what worked then and it's not working now. You've got a tough time convincing people that the story is anything different, because given the prospects of what we were facing in terms of the economy at the point of the budget introduction to now and a little further out, you should, according to your Tory thinking, have brought in more massive tax cuts than you have ever brought in, because now we're in trouble and we really need that revenue increase. You deferred them because you couldn't afford it. Ontario can't afford any more of your policies. Certainly Hamilton can't.

I'm just going to give you a smattering, because I've only got a few minutes left, of what all this means in Hamilton. I've already talked about the number of special-needs kids who are at home. I also want to make sure I remind everybody that in Hamilton our democratically elected school board trustees were fired in a coup d'état, and we now have a dictator in the name of supervisor in Hamilton who is making all the decisions, except he's getting advice from some secret group but we don't know who it is—he won't tell us. That's the dynamic. That's the result.

Today's Spectator: "Poor Man's Choice: Food or Rent." How many in this House are facing that choice? But you are the ones who took away rent control and rent protection from tenants, especially the disabled.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): No.

Mr Christopherson: To the government backbencher who is heckling "No"—if I'm wrong, you correct me now and I'll correct my record—who not only serves here and gets a decent wage but also continues at least part time in his law practice, heckles me when I hold up a clipping from my hometown newspaper, today's newspaper, that says, "Poor Man's Choice: Food or Rent," you want to heckle me?

"A Crisis in Home Care," September 4. "Lack of Funds Halts Shopping Excursion for Seniors and Disabled"—that's our local transit system that's had transfer payments cut by your government as you applied the magic elixir. Thanks a lot. "Elderly and Disabled Big Losers as VHA Closes Doors." I did a member's statement on this today about the Visiting Homemakers and the fact they're gone, we've lost them because of your policies. You changed the way the CCHC—yes, it is absolutely true, I say to the minister shaking his head. The CCHC changed the rules and then they wouldn't apply the same rules to the VHA in Hamilton that they applied elsewhere, and the contract revenue wasn't enough and they're gone. To this day, I find it absolutely surreal that the Visiting Homemakers of Hamilton are gone, closed, bankrupt.

"Another Blow for Homecare: VON Buckles under Financial Pressure, Lays off 20% of its Staff." There are more people than ever who need home care. How can there not be demand at the VON? Why? Because the CCHC changed the criteria so fewer people are eligible for home care services and we get Victorian Order of Nurses being laid off. Thanks a lot.

Double cohort: the lead editorial in the Hamilton Spectator yesterday, October 21.

An editorial by Howard Elliott in the Hamilton Spectator on July 18: "Government Has Failed Ontario's Most Vulnerable; Long-Term Care: Seniors, Families Won't Forget." I only have seconds but I want to get this on the record. In the editorial written by Howard Elliott he quotes Mike Harris: "'I would say to seniors in Ontario: 'Thank God you live in Ontario, the best province with the best services anywhere I know of in the world.'"

"Harris and Eves are wrong. This government has failed Ontario's elderly and frail, often among our most vulnerable citizens. On health care in general, and especially in long-term, community-based and palliative care, the Tory track record is atrocious. This rent increase is just the latest example."

I'm down to the dying seconds. I haven't talked about our environmental record, what you've done to people on disability income, what's happening to our hospitals that so many of them are under deficit—and of course you're going to say that's everybody else's fault. You've got no right to stand there and say, "It's a pretty picture." Things are ugly and rough out there.

The Acting Speaker: The member's time has expired. Further debate?

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): In the time remaining, I'd like to join the supply debate and really focus my remarks this afternoon on two subject areas: one is Bill 175, an Act respecting the cost of water and waste water services, and particularly how that legislation is going to affect smaller communities, not just in my part of eastern Ontario but in northern, south-central and southwestern Ontario as well; and of course, since I may not have too many more opportunities, I'd like to make a comment or two about hydro.

About Bill 175: I want to make plain the obvious point that everyone in the Legislature and outside is more than

anxious, I'm sure, to support all reasonable initiatives to ensure that we have the best and safest possible water supply in Ontario. But my concern with Bill 175 and, I must say, some of the other regulations that have been promulgated recently, particularly regulation 459 of the safe drinking water legislation, is simply this: small communities—and in my area those are places like the village of Killaloe, the Haley townsite, trailer parks—these communities and residents in these small centres are being crippled by these costs. We're going to have to find a way as a Legislature—and I see my friend from Parry Sound-Muskoka nodding in agreement. There's no member on either side of this aisle from rural or small-town Ontario who will not have heard what I have heard. The member from Peterborough looks knowingly. This is a very critical issue. I don't know where the cut-off point is. I'm guessing it's probably someplace at or above 20,000.

I live in Pembroke, a city of over 15,000. We are improving our pollution control plant. I think the cost is in excess of \$20 million. The federal and provincial governments have happily put, I think, \$11.5 million toward that project, but we've got 15,000 people or more against whom to apply the local charge. In the Haley townsite it's just a handful of people. We have a retirement home in the Beachburg area, Country Haven, at RR 1 Beachburg. I've got campgrounds: the KOA campground in Horton township, the Pine Cliff Resort in Combermere, the Pleasant View Park in Renfrew, Thompson's Mobile Home Park in Renfrew. I've visited many of these trailer parks or communities like the Haley townsite and sat down with the residents, who might count 100, fewer in most cases, and we just can't make it work. Yes, we want clean water, we want safe water, but how are we going to do it?

I think the only way we're going to do it, quite frankly, is to aggregate all these smaller centres into some kind of provincial pool, with the province and perhaps even the federal government playing a role, because I know of no other way to meet a minimum requirement. Otherwise, you are going to just cripple these residents.

1740

I was at the village of Killaloe a few months ago and I think, if memory serves me correctly, there are about 150 or so residences and businesses hooked up to the village of Killaloe communal water system. The new water testing requirements in the village of Killaloe I think add something like \$150 or more to the bill of each of those residences and businesses, and that's just the new, additional water testing cost. You start adding the operational and capital costs in places like the Haley townsite and it is stratospheric. It can't be done. I know of no way that those trailer parks, those rest and retirement homes like the Country Haven at RR 1 Beachburg or, quite frankly, the smaller municipal systems in communities like Killaloe, Chalk River, Cobden, Eganville and Barry's Bay, to name but five or six in my part of rural eastern Ontario, are ever going to meet some of the

operational, testing and capital requirements, to say nothing of full cost recovery.

My friend from Peterborough might remember, because he had a long and distinguished involvement in municipal government, but I remember in the 1970s, when I was first doing business here, that a number of those smaller communities in Ontario were only able to do the communal water and sewage systems because the province, I think on its own or maybe with some federal money, put an average of 75% subsidy to a lot of those smaller centres. I had some communities—Chalk River comes to mind. I think the subsidy there was in excess of 80%. Full cost recovery? Whether it's in rural, small-town Renfrew, Peterborough, Victoria, Northumberland or Essex, I don't know how you do it in these centres without breaking the backs of homeowners and businesses.

Yes, we have to change the way we do business; I accept that. But we have to be realistic. I simply want to say as a member from the Ottawa Valley—but I'm no different than a lot of people on both sides of this aisle who represent communities like mine—we've got to find ways of not just imposing new requirements on these smaller centres, but we've got to find ways to provide technical and financial assistance. Otherwise, we're going to have situations—I believe I saw on TVO not too many weeks ago where a small community in north Grey—I think it was Walters Falls, actually. They were so upset by some of the new costs they were actually threatening to abandon, if I remember correctly, and I could stand to be corrected by our friend from Grey-Bruce, or planning to abandon their communal system because, as I remember the program, they were faced with costs that were absolutely crippling.

So I simply say on this supply debate this afternoon on behalf of rural residents, whether they're in small municipalities with communal systems like Killaloe, Beachburg, Chalk River, Cobden or Barry's Bay in my area, for example, or trailer parks, and I've got several in communities like Renfrew and many other communities that I could mention, or special circumstances like the Haley townsite, where we actually have a communal system that was developed 60 or 70 years ago as part of a big industrial development miles away from a municipal system—we can't now say to the 35 or 40 residents at the Haley townsite, "Good luck. You've essentially got a municipal responsibility and you've got to shoulder these costs," because they are in the thousands of dollars operationally on an annual basis. It can't happen.

I don't want to stand here to be unfair to any government but I say seriously, we've got to look at pooling those smaller situations and those special circumstances into some kind of a provincial pool, aggregate those and deal with them in that fashion because I don't know of another way. There may be another way that has been discovered in Perth county or in Middlesex, but Bill 175, good intentions, just like regulation 459 of the Safe Drinking Water Act, very good intentions—but how we

actualize those good intentions, particularly in rural, small-town Ontario, is entirely a different manner. Without the financial and technical assistance of the Ontario government—and, I will add, the federal government to some reasonable degree as well, and we thank the federal government as we thank the Ontario government for the kind of help that's provided to the community in which live, the city of Pembroke, where both senior governments have provided, I think, about \$5.5 million toward the upgrading of our pollution control plan. Without that province and federal assistance it wouldn't be happening in the city of Pembroke, but these smaller communities face an even more difficult situation.

A final word about hydro. Walter Bagehot in his famous thesis, the English Constitution, said that the monarch in mid-19th-century Britain is really left with three powers, three rights: "the right to be consulted, the right to advise and the right to warn." With Bagehot in mind, as I prepare to take my leave from this place, let me warn this Legislature, all members on both sides, that this hydro tiger is a real tiger. I'm surprised at the number of people I meet in government, in the political and bureaucratic branches of government, who still think hydro is some kind of poodle that can be just manicured and taken out for a nice evening walk. We've got a tiger, and I'm not even sure we've got it by the tail.

Before the snows of the coming winter melt in the spring of 2003, I suspect the electorate is going to be seized of the hydro issue. I see that our good friend the Speaker, the member from Oakville, has himself had some things to say about the kind of pressures he's hearing. We're all hearing them.

Remember the problem we set out to fix. We had a critical problem in the generation part of the electricity business five years ago. To some degree, we were all responsible for that—I, perhaps, more than most people in this chamber today. That's the problem that brought us to our knees five years ago. I believe that problem is more serious today than it was five years ago. Pickering A, which is our reserve capacity, is, I am told on very reliable authority, over a year away from being completed. I'm told that three of those four Pickering A units will not be available until 2004. If that's the case, it's going to be a couple of years and over a couple of billion dollars behind schedule. That, for example, is going to be one very significant upward pressure on prices that are already breaking the backs of residential and business customers. We've got to find some solutions, folks, and they'd better be found soon or the heather and our hides are going to be afire as we head into the next election.

The Acting Speaker: Further debate?

Mr Tsubouchi has moved government notice of motion number 46. Is it the pleasure of the House that the motion carry? It is carried.

It being almost 6 o'clock, this House stands adjourned until 6:45.

The House adjourned at 1748.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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CONTENTS

Tuesday 22 October 2002

MEMBERS' STATEMENTS

Kidney dialysis	
Mr Levac	2301
Job creation	
Mr Maves	2301
Rally for Israel	
Mr Colle	2301
Volunteers	
Mr McDonald	2302
Hydro rates	
Mrs Bountrogianni	2302
Visiting Homemakers Association of Hamilton-Wentworth	
Mr Christopherson	2302
Florence Kehl	
Mr Johnson	2302
Government's record	
Mr Phillips	2303
Dog walkathons in Durham region	
Mr O'Toole	2303

ORAL QUESTIONS

Kyoto Protocol	
Mr McGuinty	2305
Mr Eves	2305, 2307
Mr Hampton	2307
Mr Bradley	2309
Mr Stockwell	2310
Rural education funding	
Mr McGuinty	2306
Mr Eves	2306
Toronto Transit Commission	
Mr Hampton	2308
Mr Eves	2308
Mr Prue	2308
Transit services	
Mr McGuinty	2308
Mr Eves	2308
Curriculum	
Mr O'Toole	2309
Mrs Witmer	2309
Foodland Ontario	
Mr Miller	2310
Mrs Johns	2310

Forest industry

Mr Bisson	2311
Mr Ouellette	2311

Hydro rates

Mr McGuinty	2311
Mr Eves	2312

Electronic surveillance program

Mr Dunlop	2312
Mr Runciman	2312

Home care

Mr Peters	2312
Mr Clement	2313

Long-term care

Mr Dunlop	2313
Mr Newman	2313

Highway 407

Mr Prue	2314
Mr Sterling	2314

Corporate tax

Mr Phillips	2314
Mr Eves	2315

PETITIONS

Wildlife management

Mr Patten	2315
Mr Parsons	2317

Child care

Ms Martel	2315
-----------------	------

Emergency response teams

Mr Barrett	2315
------------------	------

Highway 69

Mr Bartolucci	2316
---------------------	------

Province of Ontario Savings Office

Ms Martel	2316
-----------------	------

Competitive electricity market

Mr Lalonde	2316
Mr Agostino	2318

Natural gas rates

Mr Hoy	2317
--------------	------

Children's health services

Mrs Boyer	2317
-----------------	------

Cellular tower

Mr Cleary	2318
-----------------	------

GOVERNMENT MOTIONS

Interim supply, government notice of motion number 46, Mr Stockwell	
Mr Tsubouchi	2318
Mr Phillips	2321
Mr Marchese	2322
Mr Maves	2326
Mrs Bountrogianni	2329
Mrs Munro	2331
Mr Gerretsen	2332
Mr Christopherson	2334
Mr Conway	2337
Agreed to	2338

OTHER BUSINESS

Visitors

Mr Duncan	2303
Mr Colle	2303
The Speaker	2303
Mrs Marland	2315

April Hopkin

Mr Runciman	2303
Mr Levac	2304
Mr Kormos	2304

Legislative pages

The Speaker	2305
-------------------	------

TABLE DES MATIÈRES

Mardi 22 octobre 2002

PÉTITIONS

Garde d'enfants

M ^{me} Martel	2317
------------------------------	------

Services de santé pour enfants

M ^{me} Boyer	2317
-----------------------------	------

CA20N
X1
-D23

Government
Publications



No. 46B

N° 46B

ISSN 1180-2987

**Legislative Assembly
of Ontario**

Third Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 22 October 2002

Mardi 22 octobre 2002



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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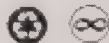
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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 22 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 22 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: I ask if there is a quorum.

The Acting Speaker (Mr Bert Johnson): I'll have them check and see.

Clerk at the Table (Ms Lisa Freedman): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

AGRICULTURAL EMPLOYEES PROTECTION ACT, 2002

LOI DE 2002 SUR LA PROTECTION DES EMPLOYÉS AGRICOLES

Mrs Johns moved second reading of the following bill:

Bill 187, An Act to protect the rights of agricultural employees / *Projet de loi 187, Loi visant à protéger les droits des employés agricoles.*

Hon Helen Johns (Minister of Agriculture and Food): I would like to split my time with the members from Hal-dimand-Norfolk-Brant and Durham.

I am pleased to have the opportunity to speak to the proposed Agricultural Employees Protection Act, 2002, in some detail this evening. It's an important piece of legislation, one that would protect agricultural employees while also reflecting the unique characteristics of Ontario agriculture and the family farm in Ontario.

The Ontario government has introduced this legislation to comply with the Supreme Court of Canada decision regarding the rights of agricultural workers to associate. That decision requires Ontario to provide legislative protection to the rights of agricultural workers to form and maintain meaningful associations as guaranteed in the Charter of Rights and Freedoms. The Supreme Court of Canada clearly defined this issue, and this issue is clearly about freedom of association.

First, I would like to address just what this legislation would do. The proposed Agricultural Employees Protection Act would extend legislative protections to agricultural workers to ensure that their rights to form and join associations can be exercised in a very meaningful way.

Under the proposed legislation agricultural employees would be able to exercise their rights to form and join an employees' association; to participate in lawful activities; to assemble; and to make representations to an employer through an employees' association. All of this must be free of interference, coercion and discrimination.

1850

This proposed legislation would ensure that this protection is meaningful. It would give the Agriculture, Food and Rural Affairs Appeal Tribunal the authority to hear complaints about alleged contraventions of the act. The tribunal would decide, after a hearing, whether an employer had failed to comply with the proposed legislation. If it is found that an employer had contravened the act, the tribunal could issue a remedial order requiring the employer's compliance.

To ensure that the tribunal is neutral and that they have expertise, the proposed legislation would provide a special roster of people for this tribunal. These people would have neutrality and expertise. These people would have expertise in labour and farm matters, among other areas. They would be appointed by the Lieutenant Governor in council.

I want to emphasize that the proposed legislation contains no restrictions on the composition of the employees' association, other than that the association must be comprised of agricultural employees. An employees' association could be a union, a branch or local of a union, or any other organization the employees deem to be the right association to make sure their needs are met. An employees' association could be comprised of agricultural employees from any number of farms in the province, and it could be organized on any basis the employees want. For instance, employees from a particular farm area or commodity sector might want to form an association.

Under the proposed legislation, a union or other organization could assist employees in forming this employees' association, or the employees could come together themselves and form an association to be able to make representations to their employer. That would be true whether the association was formed as a branch or local of a union, another organization or a separate association unto themselves. An association would, of course, be responsible for collecting its own dues.

However, I need to make one thing very clear here. While an agricultural employee may join an association that is a union, the proposed legislation does not extend collective bargaining to agricultural workers.

I have heard it said that this proposed legislation falls short of the direction given to the province by the Supreme Court of Canada. Let me assure everyone here tonight that this is not the case. The government is advised—

Mr Peter Kormos (Niagara Centre): Oh, I feel better now.

Hon Mrs Johns: Thank you, I'm glad you do. The government is advised that the Supreme Court of Canada decision regarding *Dunmore* versus Ontario obligates the government to extend legislative protections to agricultural workers. It obligates us to do this to ensure that employees have the right to form and join associations, as well as have the protection necessary to ensure that the freedom of association is meaningful. The government of Ontario will meet these obligations.

At the same time, our legislation recognizes the very unique characteristics of agricultural production and the family farm in Ontario. This government, I believe, and I think many around believe, has proposed a very balanced piece of legislation. Not only are we providing for and protecting the rights of agricultural employees under the Charter of Rights and Freedoms, but we are also ensuring that Ontario's agricultural operations and their undeniably important contributions to the quality of life in this province are recognized and protected.

Before we introduced this proposed legislation, we consulted with a lot of individuals and groups that would be most affected. We met with them, we listened to agricultural employers and union representatives, and in August and September of this year, staff of the Ministry of Agriculture and Food met with the United Food and Commercial Workers International Union. We also met with the Labour Issues Coordinating Committee. For people who don't know, the Labour Issues Coordinating Committee is a coalition of agricultural organizations that came together because they were interested in representing the interests of employers in the agriculture and horticulture sectors in the province of Ontario. On top of meeting with those two groups, which were important stakeholders, we also held open consultations in Kemptville, Vineland and Leamington. I want to say that we chose those areas because they had been the heartland of previous activities with the previous NDP bill.

Ontario's agricultural employers told us they believed they currently have a good relationship with their employees. It is a relationship they value and wish to maintain. We heard from them that it was important to treat all agricultural employees in a consistent manner and, for that matter, all employers in a consistent manner. In their view, all farms must be treated alike. Small, large, family farms, partnerships: they all must be treated alike.

We also heard from many that Ontario's agricultural production must not be vulnerable to the risks of potentially devastating labour disputes. I was on a TV show last night and people said, "Well, you know, agriculture's the same as the Ford line or when somebody goes to the hospital, the nurses and the doctors." What's different about agriculture is that if that crop isn't planted on the

specific days it can be because of weather or drought or any of those things, it's not planted for another 365 days. That affects the livelihood of farm families in the province of Ontario. We have to be very careful about the vulnerability of the agricultural community in Ontario.

This government has worked very hard since 1995 to increase competitiveness in the province. We have tried very hard to ensure that we provide some stability for the agricultural sector in the province. We are still working hard to enhance the competitiveness of our agriculture sector as they compete more globally year after year, Speaker. I know you know that because you represent a large agricultural riding that is a very competitive part of Ontario's fibre in food and agricultural production. That's why the legislation I have introduced today recognizes the unique characteristics of our agricultural operations, and especially our farm families and the employees who work for our farm families in the province of Ontario.

At the same time, we do and we will respect individual and constitutional rights, and that's another reason why we have put forward this bill today. I want to assure all members of our agricultural sector, whether they're employers or employees, that we are significantly advancing today the employee-employer relationship, which we believe is integral to good business operations in agriculture. We believe that this proposed legislation meets the requirements of the Supreme Court. We have struck what I believe is the appropriate balance in providing meaningful protection to the rights of the agricultural employee while, at the same time, recognizing the unique characteristics of Ontario's agriculture sector.

I certainly hope that all members of the House will think about their agricultural communities across the province when they think about this bill and will work with me to help enforce and strengthen agriculture in the province of Ontario. It is our future. It is our food supply.

1900

Mr Toby Barrett (Haldimand-Norfolk-Brant): It's my privilege this evening to speak to Bill 187, the proposed Agricultural Employees Protection Act. When our Minister of Agriculture and Food, my colleague the Honourable Helen Johns, introduced this bill on October 7, she told us that the government had introduced this legislation to comply with the Supreme Court of Canada decision regarding the rights of agricultural workers to associate. That decision requires the province to provide legislative protections to the rights of agricultural employees to form and maintain meaningful associations, as guaranteed under our Charter of Rights and Freedoms. This proposed Agricultural Employees Protection Act would do just that, but it would do so in a balanced way. Bill 187 would recognize and protect the rights of agricultural employees to associate, while having regard to the very unique characteristics of farming.

I wish to expand a bit on the rights of agriculture employees that are protected by this bill. As our minister just indicated this evening, the bill would protect the rights of workers to form and join employees' associa-

tions, to participate in lawful activities, to assemble and make representations regarding terms and conditions of employment to an employer through an employees' association, all of this being done free from discrimination, free from coercion and free from interference.

I think at this point it is worth noting that while the bill is not about workplace health and safety and is directed at agricultural employees' rights of association, it would enhance the ability of employees and employers to communicate about terms and conditions of employment. Again, through this communication, this could include any concerns about workplace health and safety. I draw your attention to section 5 of the bill. Section 5 would require that an employer provide a reasonable opportunity for an association to make representations concerning terms and conditions of employment of the employees who work for an employer and who are members of the association. These representations could be made orally or in writing, and the employer would be required to acknowledge them.

I do wish to outline the protections in the proposed legislation that will ensure that employees are able to exercise their rights to associate in a meaningful way. First, the proposed legislation would prohibit conduct that interferes with the exercise of rights under the bill. Section 8 of this bill would prohibit an employer or an employers' organization from interfering with an employees' association or the lawful activities of that association. Section 9 would prohibit employers from interfering with employees' rights under this bill through discrimination in employment or other related threats or reprisals. Finally, section 10 would prohibit intimidation or coercion of anyone in connection with membership in an employees' association or the exercise of rights under the bill.

Then the proposed legislation would back up those prohibitions by providing meaningful recourse for persons who have complaints regarding contravention of this legislation. Section 11 of the bill would allow an employee or an employees' association, an employer or an employers' association, or any other person to file a complaint with the Agriculture, Food and Rural Affairs Appeal Tribunal. The tribunal would be required to hold a hearing and, if it was satisfied that a contravention of the legislation had occurred, could make orders to rectify the situation.

At this time I would like to turn to how this proposed legislation also recognizes the unique characteristics of agricultural production and, as we all know, the oftentimes economic vulnerability of this particular sector. It would protect a farm's most valuable assets—that farm's land, its livestock, its crops—by recognizing the employer's right to control access to his or her property.

I do hasten to add, however, that this would not prohibit all access to the property. Section 7 of the bill would allow any person or group to apply to the Agriculture, Food and Rural Affairs Appeals Tribunal for access to farm property where agricultural employees reside for the purpose of encouraging the employees to

join an employees' association. In dealing with such applications, the tribunal would take into consideration the following factors: human health and safety, normal agricultural practices, animal health and safety and plant health, planting and harvesting, biosecurity needs, and privacy or property rights. These are very essential considerations to ensure that normal agricultural practices are not unduly interfered with.

For instance, we all know just how important it is to ensure the biosecurity of our agricultural operations. It was just last month that Britain's beef industry resumed exporting its product after being devastated by foot and mouth disease.

This legislation would also recognize that Ontario's agricultural production, a key contributor to our quality of life in this province, must not be vulnerable to the risks of potentially devastating labour disruptions. Planting and harvesting, for example, are extremely time-sensitive operations, and all too often the timing of these operations is not determined by the operator, not determined by the farmer, but are clearly in the hands of Mother Nature.

Also, since agricultural production depends on biological processes, these can also obviously be vulnerable to sudden crises: changes in weather, floods, drought, let alone breakdowns in machinery, such as an engine shutting down or a breakdown of hydraulics, for example.

This is why, for instance, the same section of the bill that requires an employer to give an employees' association a reasonable opportunity to make representations respecting the terms and conditions of employment also recognizes the critical nature of timing in farming.

In 1995, the government of Ontario repealed the Agricultural Labour Relations Act, an act that was brought in just the year before, 1994. In 2001, the Supreme Court of Canada directed our province to revisit that decision, and that is why, following consultation with a variety of members of the agricultural community, including employers and representatives of organized labour, we have introduced this proposed legislation, the Agricultural Employees Protection Act.

I do wish to add, by the way, that Ontario's agricultural employers told us that they value their current relationship with their employees. They feel they have a very good rapport with people who work in the industry and they want to maintain that rapport, that relationship with their employees. The proposed legislation would not only show consideration for that valued relationship, it would also recognize, as we've heard this evening, an individual's right to form and maintain meaningful associations.

In conclusion, Bill 187 is, in my opinion, a carefully and appropriately balanced bill. Bill 187 would protect the rights of Ontario's agricultural employees. Bill 187 would also recognize the unique characteristics of our farms across the province of Ontario.

1910

The Acting Speaker (Mr Bert Johnson): Comments and questions?

Mr David Ramsay (Timiskaming-Cochrane): I'm very pleased to stand in my place today to make comment on the minister's speech and the others. I have a history in agriculture, not only running a family farm before I was elected, with my wife in Belle Vallée in northern Ontario, but also a year as being Minister of Agriculture in the province.

I would say to the government that this is a bill we're going to support, only in that it's a good start, a good first step to improving the rights of agricultural workers. But I think we have to think beyond what this bill does and look at the next step with our relationships in agriculture with our workers.

Mr Speaker, agriculture, as you know, is very, very vast in its scope. We have small family farms with no or few employees, and very large operations today, up to maybe 200 employees, such as mushroom operations, some of the canning and freezer packing operations that have many, many employees. I think once we get through this step, we really need to look down the road to the future, and we need to sit down with labour and our agricultural groups and see how we can better organize the workplaces of large employers in agriculture.

We have large, large workplaces now, whether they be these canning factories or mushroom operations, that aren't the family farm but are large agricultural workplaces. These are large employers. We need to look at those workers as any other worker in society in those large workplaces and ask ourselves why those people should be denied the rights to organize. That's something we have to look at. We have to do that in partnership. And of course we always have to do that with the safeguards that animals and perishable goods cannot be jeopardized and therefore the right to strike cannot be there, but the right to bargain needs to be there.

Mr Kormos: I can tell you absolutely, without hesitation, that New Democrats don't support this legislation. I'm proud that I was with New Democrats forming government in this House when they introduced the first legislative enablement for workers in the agricultural industries, workers on factory farms, to organize into trade unions and, most importantly, to collectively bargain.

For this minister to stand up here and talk about in any way taking heed of the direction given to this government by the Supreme Court of Canada in Dunmore by saying, "Oh, we'll let workers form associations." Oh, how patronizing, how paternalistic. "They can form little clubs. Oh, yes, they're entitled to make representations to their bosses. Oh, yes, the bosses have obligations too, because the bosses have to acknowledge receipt of that communication." But that's where any responsibility on the part of the boss ends.

I'm sorry. The Supreme Court of Canada in Dunmore made it very clear that the family farm is perceived by so many as increasingly mythological and that what is being addressed and what is of concern to working women and men and to New Democrats is the new trend in corporate mega-farming, where workers—and to say all of those

bosses are bad is naive and of course not true—risk their lives, risk their health, risk their well-being and are denied the most fundamental right of any worker in a democratic society, and that's the right to belong to a trade union and to engage in collective bargaining with one's boss. I can't think of any more significant hallmark of a democratic society. My heart breaks to see that abandonment of that hallmark of democracy here in this Legislature this evening.

Mr Wayne Wettlaufer (Kitchener Centre): My wife was born and raised on a small family farm not too far from where the minister herself comes today.

Interjection.

Mr Wettlaufer: I have to say, aside from all the ridiculing that is going across the way there right now, that I have a great deal of interest in this.

As you are aware, the pressures on the small family farm are much too severe, and they're ever increasing. I don't think we need any needless pressure on the small family farm. This legislation is designed to address that very thing.

Mr Dave Levac (Brant): I appreciate the opportunity to make a few comments on the bill. What I like about the bill is that it does present us with a step toward helping farm workers in the province of Ontario. The issue, though, that is important for us to understand is that it goes beyond—the minister made reference to "small, medium, large; it's all the same." I do beg to differ; it's not the same. There are organizations that employ 200 or 300 people, and for us to say that a mom-and-pop farm, and literally mom and pop are the only ones working the farm, and compare it to, say, a mushroom operation that hires 250 people in one spot is not a comparative. You should not be able to say that those two things are the very same and the type of legislation that we put in place is the same. It really is not the same. The actions of some of those operations need to be watched very carefully to ensure that those workers' rights are protected.

As far as the mom-and-pop operation is concerned, I don't know that this type of legislation is going to impact them at all because, quite frankly, the mom-and-pop operations that have one, two, maybe three people working—usually all family members—are going to simply carry on the way they are, the way they have been doing traditionally, year after year, generation after generation. I don't think that this type of legislation should be feared by them, but I do have a deep, deep concern for the new operations that are now appearing, mega-corporations from around the world buying up large operations and putting 250 people to work, that we should not be looking at making sure that those workers are protected, particularly, I must say, for health and safety reasons, if not at least for their operations and ability to negotiate contracts with them.

The Acting Speaker: The minister has two minutes to respond.

Hon Mrs Johns: I would like to thank my colleagues from Niagara Centre, Timiskaming-Cochrane, Kitchener

Centre and Brant for their comments. I want to say first off that it is important to recognize that we have different-sized farms in the province. I have to say that it's a very clear thing that's happening these days. As people of our age or less who are entering the agricultural community come along and they are going to support a family with young children coming through the system, they need to expand their farms all the time. The farms are growing from 100 acres, which we saw when my grandparents came from Ireland in the 1860s, and they're expanding to where some places, right now, I have friends who are farming 5,000 and 6,000 acres. But that doesn't mean they have a huge employee base; what that means is they have a larger farm to be able to support a family. We have to be very careful when we start to break down farms by size or livestock units. What we have to recognize is that in the province of Ontario right now we have approximately 57,000 farms, and 35,000 of those farms have no employees whatsoever.

The unions say they don't want to unionize any of those. I worry about that, but I say OK. Twenty-four thousand farms are left, and of those 24,000 farms, they have on average of one employee per farm in the province of Ontario. So it's not like we have huge farms with hundreds of thousands of employees. The average farm—

Mr John Gerretsen (Kingston and the Islands): How are you going to unionize non-existing people?

Hon Mrs Johns: I'm just giving you statistics; I'm sorry if you don't agree with them. Of the 24,000, they have 27,000 employees, and they have about the same in seasonal employees. So on average, we have about 1.3, 1.4, 1.5 workers for every farm in the province of Ontario. I think everyone would consider those to be family farms.

1920

Mr Steve Peters (Elgin-Middlesex-London): There are a number of issues that need to be discussed this evening in dealing with this legislation.

The first point I'd like to put on the floor is that I challenge the minister to table in this Legislature, for all of us and for all the citizens of this province, her definition of a family farm. We've heard the minister this evening on at least six occasions talk about the family farm. We just heard the member from Kitchener make reference to the family farm. I would truly love to have the minister table that definition, because it's a term that is going to be thrown out quite regularly through this debate. It's a term that I don't think anybody in the agricultural community can accurately define for us, and I would truly love to hear the minister's interpretation of what that means. As we're going to hear through the debate on Bill 187 about the term of large-scale industrial operations, intensive livestock operations, factory farms, we need to know from the Ministry of Ag and Food what that definition is, and we've yet to hear that, though it's a term they love to throw out. So I challenge the minister to please table what her definition of a family farm is and what her definition is of a factory farm because I think

the people of Ontario and the agricultural producers in this province deserve to know exactly what that means, from this government's perspective.

This is certainly an emotional issue. It's an issue that is not new to this Legislature. It's an issue that has been in front of this Legislature in the past, and through the course of my discussions and comments this evening, I'll talk a little bit about the history.

We need to start and begin with what the farm does and the impact it has on this province. I think we lose sight of that. Speaker, you represent a rural riding, so you have a good and better understanding than the vast majority of individuals in this place do, and you probably have a better understanding—I know you have a better understanding—than the vast majority of the citizens in this province have when it comes to agriculture. In my opinion, we have not truly given value to the role agriculture plays. We give it lip service. The minister will stand up on a regular basis and talk about the second-largest industry in this province. We heard a backbench question today about the importance of agriculture and its importance to the economy of this province.

But I think we've failed miserably at making sure that consumers in this province understand the role agriculture plays and understand as well—and we can use this term “unique.” It is unique. It's an industry that every one of us depends on on a daily basis. From the moment we open that fridge in the morning and pull out that quart of milk, pull out the box of Corn Flakes, throw some strawberries on it, and have a cup of coffee with cream, we depend on agriculture. It's an industry, though, that in my opinion, as consumers, we've just taken for granted. It's an attitude we need to change. We truly do need to change the way we look at agriculture.

Agriculture is, as the minister will stand up and say, the second-largest industry in this province, but what we fail to recognize—when you look back at everything that happened from September 11, we've talked about increased security at our borders, increased security at our airports, increased security here, increased security there. Do you know what we've failed to talk about in security? The security of our food and our food supply. We haven't recognized that we need to do everything we can to ensure that we protect the process from the field to the fork, and that we don't allow there to be any interruptions in any way, shape or form in that process. Food security is truly a national issue. I don't think this government has truly recognized it, I don't think the federal government has truly recognized it, and I don't think that we as consumers, who rely on this industry, have recognized it either.

We need to gain a better understanding of this business of agriculture and the contributions it makes to our daily lives. You'll hear talk of providing support for agriculture. We heard the minister this evening use that term—she used it tonight and she used it during the course of the introduction of this legislation—and she spoke of competitiveness. I'll come back a little later and speak about some of those areas where the Harris-Eves

government has failed the agricultural community miserably, where they haven't supported the agricultural industry the way they should. I will come back to that and speak of that.

It's this lack of understanding and appreciation for what agriculture does to our daily lives where we need to pull up our socks and need to open our ears and listen. There have been various studies done when it comes to agriculture. We'll use the box of Wheaties as an example. As we all know, on that box of Wheaties they often use a sports celebrity to help us when we're in the grocery store; when we're walking down aisle 2 and deciding what kind of cereal we're going to purchase, you'll have that picture of Tiger Woods on the box of Wheaties. One of the terrible misconceptions we have as consumers—most people would think the farmer's getting the majority of the dollars from that. It's not the case. Tiger Woods is making more money than the farmer that grew the wheat that went into that box of cereal. There's something wrong there.

The agricultural community has been faced with unprecedented challenges. Some of them as government we can deal with, but many we can't. We can't control the weather as politicians, but farmers in this province have witnessed over the past three years unprecedented weather conditions. In 1999 it was too much rain; in 2000, 2001 and 2002 we're into dry, dry weather. And it's been spotty all over the province: some areas have done all right, others haven't. My area of Elgin county has been extremely hard hit as a result of weather conditions. Now the farmers are paying another price for it, because this government, in Agricornp, fails to recognize some of the problems that soybean growers are facing, with the issue of green beans. This government doesn't recognize it as a weather-related issue, and that's a shame. It's a shame for the soybean producers of this province.

We face other challenges as well. We know of the huge subsidies that the European Union puts in to support agriculture and the huge subsidies that the Americans put in to support agriculture. But as much as we can argue about subsidies, what those governments have recognized and what we fail to recognize in this country is that it is important to support and preserve the agricultural industry.

I will give the minister credit for her efforts in ensuring that in the safety net funds that have been distributed and allocated from the federal government, she chose to find a different way to allocate the province's 40% share. I commend her for that, because I think it was important to do that. But we do need to do a better job. We need to support this industry of agriculture, and we haven't done that.

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I think another thing we fail to recognize about agriculture is that a farmer—man or woman—who's born on that farm is going to die on that farm. They'll spend their whole life on that farm, from cradle to grave. They will work hard, they will work hours that the majority of

us as citizens would probably never even consider doing. Look at the season we're in right now; you go out for a ride in rural Ontario and you may wonder, "Boy, what are all those lights out in the field right now?" That's a farmer out there harvesting his corn right now because he has to work around the weather, and he will be out there and he'll work all night long to get that crop in. We fail to recognize that. I think we fail to recognize too that, as I say, as a farmer you are there from cradle to grave, and that a farmer does not retire. A farmer is always going to continue to work on that farm. He may pass that farm on to the next generation, but he doesn't walk away from it and he doesn't go and move into town and sit back and enjoy a relaxing life. He or she is going to continue to work on that farm, whether it be pitching in at harvest time, helping repair some machinery or working in the barn.

As urban Ontario, we really and truly do not recognize the contributions that rural Ontario, and particularly the agricultural industry, makes. I would urge all of us, urban and rural members in this Legislature, to do a better job at getting the word out about the contributions this industry makes. It is an industry that we can't take for granted. We do need to show some appreciation, we do need to continue to support what this industry is doing. We have not done a good job of that.

The comments I've tried to make this evening have been to try and bring this bill into the context of what we're dealing with, with agriculture. This is an industry that is different. As much as my riding is a rural riding, I also have a very urban component to my riding. I have the St Thomas assembly plant, the only plant in the world that builds the Crown Victoria. I'm proud of that car, proud of the employees that build that car, and proud every time I turn on a TV and see that car in service with the police, protecting people. I'm proud of many other industries that are there serving our province and helping the economy. But the other aspect of industry in my riding is agriculture. I have to admit that, as a born and raised city person, my own knowledge of agriculture probably was not what it should be. But I would say that certainly I thank individuals from the Middlesex Federation of Agriculture for what they've done in helping me gain a better understanding of this business of agriculture and the contribution it makes.

But agriculture is different. Agriculture is different from the automotive industry, it's different than manufacturing, because you're dealing with a product where, early in the spring, the farmer will be out planting that crop. He or she will be out over the course of the growth of that crop to see that it's fertilized, that pesticides are placed on that crop. The farmer, for the most part, is going to sit back and pray that the weather co-operates, that you get enough rain, that you get enough sun. As that crop grows and matures through the summer, there comes a point when it needs to be harvested. At that point, it has to be harvested. It can't wait. It's much like the dairy farmer. When a cow needs to be milked, that cow needs to be milked. You can't wait. The window is

very small. You can't wait an hour. Goodness forbid you wait a day, because you're going to lose the production from that cow. Anybody in the agricultural industry knows it's a time-sensitive business. There is a point where you have to harvest. There is that point where you have to ship the pigs to market, and you can't wait. You can't in any way be concerned about any sort of interruption in that whole stream. A farmer cannot wait because this is time-sensitive.

This is an industry that, as the minister pointed out, is unique. It's an industry, though, that's special. It's an industry that's different. This isn't about building cars. This is not about manufacturing light bulbs. This is about food, the food that every one of us in this chamber and all 12 million individuals in this province need to ensure is there. From the farmer's perspective and for the livelihood of that farmer, he or she needs to ensure that when the time comes to harvest, they harvest, but they also need to have that understanding that if it's going on to further processing, there's not going to be any interruptions in that whole chain. The food chain is very important and we can't in any way allow for interruptions in that.

We've got the bill in front of us this evening, the Agricultural Employees Protection Act. It's a bill that is here as a result of a Supreme Court decision in 2001 that was led by a challenge by the United Food and Commercial Workers to a decision this government made in 1995. I would just like to talk a little bit about the history, where we've been, where we are today and where we're going. I need to stand up, as the critic responsible for agriculture in this province, shadowing the Minister of Agriculture, lighting those fires under the minister when they need to be lit and at times offering praise when it needs to be given. From the Liberal Party's perspective, we are supporting this legislation.

Hon Mrs Johns: Oh, thank heavens, it's finally out.

Mr Peters: Well, thank heavens the minister finally woke up. For the past 19 minutes and 50 seconds she's been quietly buried in her reading. But she woke up.

Mr Barrett: What happened at first reading?

Mr Peters: This is an interesting question: what happened at first reading? Let's just talk a little bit about the process of this place. I would like to know how you and the minister would react if you knew you had legislation being introduced, a piece of legislation that is a response to a Supreme Court ruling, and you knew that piece of legislation is going to have the potential to have some serious ramifications on this province.

How this process works is that at about 1:30 of the clock in the afternoon, we come into this Legislature. We find out around noon hour that the minister's going to be making a statement. We don't know the details of that statement and we don't know the contents of that bill. We walk into this Legislature and we're handed a copy. At about 1:30 or twenty to 2, I receive a copy of the minister's statement and we receive a copy of the bill. Generally, the tradition in this place is that when legislation is introduced on first reading, there's not a

recorded vote. Traditionally, when legislation is introduced, it's passed on first reading to give everybody the opportunity to review it, to see what's in it. Then it gets on the floor and begins a debate. But the difference with this legislation was that the NDP chose to force a vote. We have to make a very quick decision: do you stand up and blindly support a bill without knowing what's in it, without knowing if it complies with the Supreme Court ruling?

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Hon Norman W. Sterling (Minister of Transportation): On a point of order, Mr Speaker: I just wonder why the Liberals have voted on so many other bills after first reading, then.

The Acting Speaker: That is not a point of order. The Chair recognizes the member for Elgin-Middlesex-London.

Mr Peters: In the case of this bill, we wanted to ensure that it complied with the Supreme Court ruling. Given the track record of this government and the way they love to hide things and add things to legislation, we had no guarantees that this was a bill that complied with the Supreme Court ruling. So that decision was made to abstain in the voting. We'll stand behind that.

I would challenge any one of the members on the other side: unless you're the trained seals that we often think you are that are going to stand up and blindly vote for a piece of legislation—how many of you read that legislation before you voted on it? Not too many. Maybe the members of cabinet did, but I don't imagine any of the individuals in the backbenches did. You will stand up and blindly do whatever the head seal says to do; you'll stand up and vote for something. I think it's very irresponsible to your constituents that you would stand up and vote for something without having a thorough knowledge of what's contained in it.

Mr Wettlaufer: On a point of order, Speaker: I question whether or not the allusion to trained seals is really according to protocol in this House. If that's the case, certainly they are more trained seals—

The Acting Speaker: That's not a point of order. The Chair recognizes the member for Elgin-Middlesex-London.

Mr Peters: I can't get up this evening and talk about my manure-spreader political platform, because I've already been accused once of using the analogy of having the Tory members stand up on that manure platform and turning it on and letting her rip. That's the way you guys operate. You do; you just let her rip. But I'm not supposed to use that analogy, so I won't use it.

In 1994 we saw the NDP introduce its legislation when it came to dealing with agriculture and the agricultural community in this province. The Liberal Party, under the wonderful leadership of Lyn McLeod, stood up and opposed that legislation. We recognized as well under Mrs McLeod that there were some serious flaws in that legislation. In April 1994 the Liberal Party introduced an opposition day motion and stood up and spoke against the legislation.

We fast-forward a bit into 1995 and we're into an election campaign. The Liberal Party, at that time of the election, stood up and said that they would be supporting the repeal of Bill 91, the NDP legislation. After the election, in the fall of 1995 the new government came in and introduced Bill 7, another omnibus piece of legislation, something this government is well renowned for introducing. It's unfortunate that contained in that legislation, which was known as Bill 7, was the repeal of Bill 91. One only has to read the Hansard to see the Liberal Party's position. When our speakers were up, dealing with Bill 7, those who represented a rural community spoke in favour of the repeal of Bill 91, that aspect of Bill 7. Unfortunately, though, there were a number of other pieces in Bill 7 that we couldn't support, so we were forced to vote against Bill 7. But I think our record will show—

Mr Kormos: Here's the Hansard: Dwight Duncan.

Mr Peters: I know very well. Thank you very much, Mr Kormos.

Mr Richard Patten (Ottawa Centre): On a point of order, Mr Speaker: Just because of the lateness of the hour, I did want to introduce our friends from the certified general accountants' association who are in the gallery tonight and who have been fighting for the opportunity to express and deliver their full set of skills throughout the range of opportunities that we have in our society. I want you to know that I support you, and I think most members do. I hope we see something that changes that in the very near future.

The Acting Speaker: That is not a point of order, but we welcome you anyway.

Mr Peters: Perhaps one of the pages could return this Hansard to Mr Kormos. It would be appreciated, because I do have the Hansard. I made sure I went back and reviewed a lot of Hansards. You just wait until I come to some of the Hansards later on. It's cool. It's very interesting when you talk about this government's commitment to agriculture, or lack thereof. Anyway, we'll get back to the bill.

We supported the repeal of Bill 91 in 1995 but, unfortunately, because it was held hostage in an omnibus bill, we were not able to vote in favour of it and that was too bad.

Again we fast-forward. Traditional with this government in many ways is that they stick their heads in the sand and hope that something is going to go away. It's a bad trait to have, but they did that. They figured that with Bill 7 and the repeal of Bill 91, the issue would just go away, and it didn't. Hence it led us to the Supreme Court decision that spelled out the five key issues. I think it's important to reiterate what came out of the Supreme Court.

The five key issues raised by the Supreme Court in their decision that was tabled in December 2001 included the right of agricultural workers to join an organization that represents their interests; the right of agricultural workers to participate in the organization's lawful activities; protections for individuals against discrimi-

nation, interference and/or coercion for exercising those rights; the freedom to assemble; and the right to make representation. Hence the government had 18 months to respond.

Interjection.

Mr Peters: Great; it looks like I'm going to get some more time. Well, maybe not.

The government had to respond by June 2003. We saw the introduction of Bill 187, the Agricultural Employees Protection Act, on October 7, 2002. The bill is going to provide for legislative protection for those areas that were pointed out by the Supreme Court as needing to be addressed. I trust that the government has done its homework in ensuring that, as it claims, the bill is constitutional and meets all the requirements of the December 2001 Supreme Court decision. I truly, truly hope that that homework has been done, because I fear—and I think it's not a fear; it's a reality—that we're going to be back in court again. A lot of government dollars are going to be put toward dealing with this issue again before the courts, and a lot of dollars from the agricultural community are going to be used to go before the courts, and a lot of dollars from the trade union movement in this province are going to be spent again at the courts.

1950

As I said, we will be supporting this, but there are some areas that I think truly need to be spoken about in this Legislature, that we have an opportunity to not just have this bill debated in the House but that there is an opportunity for public hearing on this bill. I think it's imperative. I think, quite honestly, it's imperative that, with any piece of legislation we deal with in this province, we have public hearings, that we give all sides, be they in favour or against, the opportunity to appear before a standing committee of this Legislature to present their views and offer suggestions, offer amendments. Because I think what we often lose sight of in this Legislature, what we're not conscious of enough, in my opinion, is: how do we make things better? How do we improve bills? One way we can improve bills before this House is by having them go to committee, by having them go out to public hearings so we can have that opportunity to listen. If there are good ideas, then we incorporate those ideas into the legislation, so we do everything in our power to ensure that it's a piece of legislation that's going to be there and serve and meet the needs and the interests of Ontario citizens.

I'd like to talk about a few points in the bill. There's one area in section 5 that talks about the rights of agricultural employees, and we'll deal in particular with clauses (6) and (7). There was reference made to clauses (6) and (7) this evening. Section 5(6), "The employer shall listen"—listen—"to the representations if made orally, or read them if made in writing." Section 5(7) goes on to say that "If the representations are made in writing, the employer shall give the association a written acknowledgment that the employer has read them." I'm concerned that, with the way these two clauses are

written, when you think about it, there's not even any common manners or politeness in this. We're relying that somebody is going to do something, be it the employer or the employee.

I have some serious concerns about this. In theory, it's supposed to work. In writing, it's supposed to work. But I've got some concerns that, on either side, they don't have to have regard for what is said or what is written. They don't have to acknowledge what is said or what is written. They don't even have to nod their heads. I see that as a shortfall. It's "listen," and that's it. I don't think that is in the best interests of either side. Common courtesy: that's what it's all about. That's what the intent of this bill is, but often common courtesy doesn't exist. I think that there needs to be some strengthening of these two sections of the bill.

We'll move to section 14, dealing with the tribunal. This is a tribunal that is set up, it's a creature of the Ministry of Agriculture and Food, the old Ministry of Agriculture, Food and Rural Affairs. That's another thing—if I may digress—I'd love for the minister to table what's happened to, now that we have agriculture and food, and the RA has been taken off and Brian Coburn's gone with RA to municipal affairs, it would be nice to hear what the new organization looks like. That happened, gosh, back in April and we still wait. RA is out there, just in municipal affairs now. Some day maybe the minister will have the courtesy to let the public of Ontario know what is the mission of Agriculture and Food and how RA fits into it all. We'll wait. We're still waiting.

Interjection.

Mr Peters: Yes, I'd love for the minister to stand up. I think there are a lot of people across this province who would like to know what happened to RA and how rural affairs truly fits in and the role that it used to play with OMAF that it no longer plays any more.

Let's talk a little bit about, under section 14, the whole area of the tribunal, because if there is a disagreement, if the employee is not satisfied with the way that the employer has dealt with an issue, they can go to the agriculture, food and rural affairs tribunal. Under this we know that there is going to be a special panel created. My concern is that we need to ensure that there is balance on this special panel, that it is a panel that is not just there representing the interests of the agricultural community. It's a panel that is also going to represent a wider interest of the issue that affects that employee. It may not necessarily need to be somebody who comes from agriculture, but we need somebody who understands labour issues, somebody who understands health and safety issues. We need to ensure that those individuals who are appointed to this tribunal have the ability to look at all sides of an issue.

I need to express concern over the whole appointment process in general, that we ensure that when the Lieutenant Governor in Council makes these appointments, they are appointments that are truly going to be reflective of Ontario and not reflective of the views of the

Conservative Party. If you go and review some of the government appointments, that common question that's asked over and over again, "Can you please tell us your political affiliation?" "I belong to the Conservative Party." "How did you find out about this appointment?" "The local riding association president told me about this appointment."

We need to ensure that doesn't happen. We need to ensure that this tribunal is truly representative of the interests of all. One of the few points that has been made on the tribunal is that the only obligation is that one of the members be a barrister or a solicitor. There are no mandated numbers as to the makeup of this tribunal. The only mandated number is that it's an odd number and not an even number so that a decision can be made. There are no qualifications. There is no balance. But worst of all with the tribunal in what's being proposed here—I urge the minister to address at the committee level giving this tribunal some teeth, because the teeth aren't there. Oh, there are some teeth, but the only recourse you have if you want to put some teeth behind that tribunal is to take it before the courts.

Interruption.

The Acting Speaker: Would you please clear the gallery? We'll take a five-minute recess.

The House recessed from 2001 to 2007.

The Acting Speaker: We will continue. The Chair recognizes the member for Elgin-Middlesex-London.

Mr Peters: I will just finish my point on the tribunal, that there are no teeth in the tribunal and that an individual's only recourse is going to court.

For those viewers at home who may wonder why we just had the five-minute recess, I think it's important to address the concerns of the young people who were just here this evening, who obviously have an issue in dealing with migrant workers. I give those individuals credit. Maybe this wasn't the best forum to try and make their case. They probably would be further ahead to come in and make an appointment with individual members and state their case, but I commend them for speaking their minds.

Migrant workers are not dealt with in Bill 187. Migrant workers such as those who work in tobacco or the fruit-picking industry are under federal legislative jurisdiction and never were covered by the NDP's Agricultural Labour Relations Act or any other Ontario labour or workplace legislation. The issue of migrant workers is a federal issue. I think it's incumbent on the Minister of Agriculture, though, that in terms of the issues that may be facing migrant workers, concerns such as those raised by the individuals tonight or in what she hears on the ground, she take those issues and address them with the federal minister. Migrant workers are a very important part of the whole component of harvesting. Many migrant workers are here for a whole season: they come in the spring and help with the pruning in the fruit-picking industry and are there right through to harvest. But if there are issues facing migrant workers, it's incumbent on this minister to ensure that she takes

those concerns to the federal minister, and I would urge her to do that.

Something else that's not addressed in this legislation is the whole question of collective bargaining. I'm quite sure we're going to hear a great deal about that in the course of the debate, but the Supreme Court ruling that was handed down neither dictates nor prohibits collective bargaining. It's the consensus within the agricultural industry that collective bargaining is going to be harmful to the industry. But it's not an issue that was addressed by the Supreme Court and it's not an issue in this legislation. Perhaps, though, it is something we'll hear more from the minister about.

Another area not addressed in this legislation that I know we're going to hear about during the course of debate is the whole question of workplace health and safety. Again, the question of workplace health and safety was outside the jurisdiction of the court ruling, but it does need to be looked at comprehensively and in consultation with the industry. It needs to be looked at as part of maybe an expanded piece of legislation down the road that deals with agriculture. We have an entity in place, the Farm Safety Association of Ontario, that provides a number of services not only for the agricultural industry but for landscape and horticulture. Their mission is to promote safe, healthy workplaces and lifestyles for agricultural, horticultural and landscaping industries in the province.

What I think is sad, when it comes to this issue of dealing with workplace health and safety, is the lack of recognition from the government in supporting the Farm Safety Association and their efforts. The vast majority, in excess of \$1 million, of the funding to support the Farm Safety Association in this province comes from the WSIB. Finally, just last year in 2001, there was a recognition from the Ontario government that they needed to support farm safety. I don't know if those dollars have been renewed for this year. Last year it was \$90,000 that this province put into workplace safety in protecting farmers in this province—\$90,000. It's a pittance, and it shows the lack of recognition by this government of the need to do everything we can to help ensure we have a safe workforce and that those individuals on the farms know what those best practices are.

I commend the Farm Safety Association for what they've done in educating farmers and, perhaps more importantly, educating the families of farmers and children. If we're going to make any great strides in improving health and safety in agricultural operations on the farm, we need to start to plant that seed at an early age. It's starting, but we need to do more—much more. I think it's incumbent on the Minister of Agriculture to ensure that that happen, that we teach safety in the classroom so that those children go home and say, "Gosh, Mom and Dad, we're not supposed to have two people on the riding lawnmower. There should only be one person on that riding lawnmower," or "Why isn't that manure pit covered up, Dad? Somebody could fall in. The dog could fall in." We need to plant those seeds, and this govern-

ment has failed miserably when it comes to dealing with workplace health and safety issues.

We're making progress with this bill. It's a start, but is there more to do? Yes, there is. The government, in their knee-jerk reaction, only did the bare minimum. They responded to the Supreme Court ruling. Could this piece of legislation have been made better? Yes, it could have been. Should issues such as workplace health and safety have been addressed in this legislation? Yes, they should have been. It hasn't happened. That's why it's going to be incumbent on future governments and individuals like my leader, Dalton McGuinty, to lay out clearly what we're going to do to ensure that these other issues do get addressed.

I opened my comments this evening by speaking of the lack of recognition for the agricultural community, the lack of understanding, from the consumer's perspective, of the agricultural industry. But I want to talk a little bit about some of the comments that the minister has made. The minister has used the words "improved competitiveness" twice. She used it when the legislation was introduced and she used it again this evening. We'll talk a little bit about commitment to agriculture. It's really revealing. We'll hear from the other side about all these lost years, talking about the Liberal government and the NDP government and about all the things that they didn't do.

I will reverse the clock back to the time when David Peterson was Premier of this province. If you analyze the budgets for agriculture and look at commitments to supporting this industry, when were those commitments most pronounced? With the David Peterson Liberal government. What we've seen since the end of the Peterson era into the Bob Rae era and the Mike Harris Era and the Ernie Eves era has been this steady, pronounced erosion of the agricultural budget. More and more we're seeing services cut to agriculture.

Hansard is a wonderful thing. Hansard is truly a wonderful thing. Certainly the Harris-Eves bunch loves to go look at Hansard and see what we said. I commend the Hansard people for the wonderful job that you do at recording what is said in this Legislature and preserving those comments for future generations, but they also preserve those comments for future politicians. It's wonderful. You should spend some time. My advice is, just go pick up a copy of the Hansard index and go look at agriculture and go look at who said what.

You go back to 1984 when the NDP introduced Bill 91 and the comments that came out of some members from the current government—it's really interesting when you look at who made these comments. These are comments that are made by Michael D Harris, the former Premier of this province. This is what the Premier had to say about agriculture: "The Toronto media—and I don't blame them—don't understand rural Ontario. They don't understand agriculture. Quite frankly, that's fine. That's not their job. But it really upsets me when I have a Minister of Agriculture and whole party and a cabinet in

power that don't understand agriculture and don't understand rural Ontario."

He goes on to say, "You know what, Madam Chair? We have had public hearings on virtually every issue that has come along. Rarely has a government forced bills through without allowing the public an opportunity, especially on a bill this significant, to fundamentally change the way particularly family farms are operated"—even the Premier, eight years ago, couldn't define family farm—"to fundamentally change the labour laws of this province as it affects the agribusinesses...."

Well, Madam Minister, you heard the former Premier there saying the importance of the public having the opportunity for public hearings. Mike Harris said that, and I hope that Ernie Eves will stand up and say that too, that we need to have public hearings on this bill, as a former Premier said.

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We'll go on a little bit to look at some of the other comments from the former Premier. He talks about—and this is to laugh for. "In the Common Sense Revolution, and it's particularly appropriate to this amendment, we call for no cuts to agriculture, not a single nickel.... We have said very clearly in the Common Sense Revolution where we would cut and where we wouldn't: no cuts for agriculture." No cuts for agriculture. What a joke. Because what did you do after you were elected in 1995? You immediately found about \$14 million or \$15 million of cuts within the summer of 1995 and you haven't looked back.

We've seen the closure of the extension offices, we've seen cuts to staff and programs, we've seen the University of Guelph struggle in dealing with their agreement with OMAFRA, we've seen decisions being made that have forced the research station in northwestern Ontario, for example, to close. We've seen the reliance on picking up the phone and dialling 1-800. We've seen where you're forcing the rural communities to rely on the Internet, even though many of those services are not available in rural Ontario. It's starting, but we've got a long way to go. We've seen a government who has to be dragged kicking and screaming to the table to deal with agricultural issues. I think I sense that there must be an election looming in the air, because all of a sudden agriculture is a priority for this government.

I think if one were to sit back and review Hansard, there have been more questions asked in the Legislature in the past week and half about agriculture than there probably were in the previous five years, because you know you're vulnerable out there. You know that you've hurt rural Ontario. You know that you've hurt the farmers in this province. Suddenly the light has come on and you need to do something. You failed and you continue to fail agriculture.

Here we are right now in dealing with nutrient management, and the government is out on the consultations. I challenge the minister—I know that the call, if it hasn't come to her office yet, it's going to come, either to the minister or the parliamentary assistant, for you to sponsor

a press conference. At the International Plowing Match there was a survey undertaken into what the agricultural community thinks of the nutrient management legislation, the regulations and where it's going. I know that there were in excess of 2,200 individuals who responded. The firm that undertook the study wants the opportunity to come here to Queen's Park and present those findings and host a media event. I hope that you'll sponsor it. I said to them, "If the government won't sponsor it, we certainly will," and I hope you will.

The other area where you've certainly failed when it comes to nutrient management—and you talk about implementing all of Justice O'Connor's recommendations. One of Justice O'Connor's recommendations was made very clear: that financial resources had to be put in place to help agricultural producers in the transition, in the area of compliance. We put forth, we mirrored, that recommendation. And you know what? The government turned it down. The farmers are still out there right now wondering, "Are you going to put the boots to me to make me comply?" But you haven't come to the table with resources, and that's a shame.

This bill, Bill 187, is going to have a great deal of debate. The debate is appropriate. It is very appropriate, though, that it go to committee and that we have those public hearings and allow those individuals who are either yea or nay toward this bill to have that opportunity. The Liberals will be supporting this bill. Are there areas where we could and should be doing more? Yes, there are. There are many other areas that are not being addressed in this legislation.

The Acting Speaker: Now we will have four members with comments or questions.

Mr Kormos: As a matter of fact, in around eight minutes I get the floor on behalf of the New Democratic Party to speak to this bill. I want to talk about the right of agricultural workers to organize and to collectively bargain. I believe that's among the most fundamental rights you could have in a democratic society. I understand full well the resistance of corporate farming, the factory farm community, to the prospect of—by God, how radical—letting those farm workers organize and collectively bargain. I appreciate that it's a revolutionary and bold step, but you see, it's a bold step New Democrats took in 1994. I'm a little taken aback at the pride with which some speakers have referred to the repeal of that legislation by way of Bill 7. I think Bill 7 was a regrettable exercise in its repeal of Bill 91.

As well, over the course of the next few minutes, my good friend, my sometimes partner in crime, Ms Martel from Nickel Belt, is going to be addressing this matter. She has interesting things to say as well. In eight minutes time we will take the floor and we'll have a good hour, give or take 15 or 20 minutes, to address this bill on the leadoff on behalf of the New Democratic Party. I'm looking forward to it. I realize I've got stiff competition out there. This is prime time television—Law and Order is playing on some network or other—and Lord knows the last couple of hours haven't exactly helped keep our

audience. So we're going to have to work as hard as we can in the course of the next few minutes to try to get some of those numbers back of the people with the clickers.

Mr Barrett: I listened carefully to the Liberal member for Elgin-Middlesex-London. I think many fruit and vegetable farmers in my riding listened very carefully to his comments on the Agricultural Employees Protection Act. Many of us were dismayed that the Liberals did not support this bill on first reading. We hear a different story this evening. I can only guess what we'll hear during third reading.

I represent labour-intensive agriculture. I represent offshore labour. We have a very good working relationship with people from Trinidad, Barbados, Mexico, Brazil and Jamaica. Fruit and vegetable farmers are following this very closely.

From the Liberal member opposite, I heard criticism of the track record of our Minister of Agriculture. I have just been handed the October 16 newsletter of the Ontario Processing Vegetable Growers. They "wish to acknowledge the efforts of Agriculture Minister Helen Johns and her staff with respect to the recently announced safety net package. Giving credit where credit is due, Minister Johns asked the Ontario agriculture industry, through the Ontario Agricultural Commodity Council, how the funding should be delivered, and then did exactly what was requested. The same cannot be said, however, about federal agriculture minister Lyle Vanclief."

Mr Bart Maves (Niagara Falls): He's a Liberal.

Mr Barrett: Yes, he is a Liberal. I do wish to point this out to the Liberal member opposite, from whom I heard some criticism of our Minister of Agriculture.

As a representative of a labour-intensive fruit and vegetable area, I think it's very important to put this on the record and to present this on behalf of the Ontario Processing Vegetable Growers.

2030

Mrs Lyn McLeod (Thunder Bay-Atikokan): Since the previous commenter raised the issue of our position of abstaining, I believe it was—I look to our House leader; yes, we abstained; let me make it clear that we did not vote against but abstained from voting on first reading of this bill—I am also going to take a little bit of my two-minute time to address that issue.

One of the things we run into on this side of the House is a frustration which mounts with every piece of legislation this government presents. Fortunately, there is very little new legislation coming from this government, so most of what comes to us is legislation that we've had a chance to see before and we already know what's in it and we already know how we voted on it in at least one previous incarnation, so it's not a problem. But this government has made a practice of presenting us with new legislation, on the rare occasions when it's new, with absolutely no notice at all.

There's a basic principle in this place. It used to be that it was almost a formality to vote for legislation on first reading to get it before the House in order to begin

the debate, but it was also a practice in governments in past days to give us advance notice of what that legislation would be so that we had some sense of what we were voting for on first reading. This government had not given us that courtesy in I can't remember when, if ever.

So from time to time our frustrations are going to be apparent and we're going to say no, we're not voting on a piece of legislation which we think is of importance and which we've not seen. That was the case with this bill.

I would submit to this government that this is a bill of extreme importance, of extreme delicacy, one of the pieces of legislation that comes forward at different times in this House dealing with a very difficult issue. I think all governments have struggled to find the right balance when it comes to the appropriate protections for workers on what is called the family farm. One of the issues is that it is increasingly difficult to define "family farm," and I think that will be a focus of debate on this legislation and potentially in the future when this legislation is being reviewed.

Ms Shelley Martel (Nickel Belt): I am pleased to put on record the New Democrats' position on this bill tonight. I am proud to say that it is different from the Liberals' and the Conservatives' because we believe that farm workers, agricultural workers, do have the right to organize and bargain collectively.

I heard the Minister of Agriculture describe family farms tonight. I don't know if it's the working definition of the government, but she implied that many were mom-and-pop operations or mom-and-pop-and-several-employee operations and that most of those employees would be relatives.

Let's face it. Unions have never expressed any interest at all in organizing family farms. Realistically, who is there to organize if who you're talking about is mom and pop and relatives? There isn't anyone. Unions have never been looking to organize those family farms.

What we do have is many agricultural workers who are in canning factories, who are in mushroom plants, and those plants have 100, 200, 250 workers and are owned by corporations. Many of those workers face similar situations to workers in industrial plants, right through to health and safety concerns, and those workers should have the right to organize into trade unions and to bargain collectively.

Our government did that in 1994 and I'm proud that we did that. We passed the Agricultural Labour Relations Act at that time. In the bill, it's important to mention, workers were not permitted to strike, and that dealt with any of the concerns dealing with planting or harvesting or processing any of those crops, dealt effectively with that. Workers were allowed to deal with their issues by final offer arbitration.

In my view, we should be here tonight dealing with the provisions with that 1994 legislation, because these workers should have the right to organize and any issues regarding planting or harvesting or concerns about getting the crop to market can effectively be dealt with in

the provisions that were in the 1994 bill. It's a fallacy for the government to argue that by offering collective bargaining this is going to somehow stop harvesting etc.

This bill is going to have this government right back in court again. The government should do the right thing now: allow agricultural workers to form unions and bargain collectively.

The Acting Speaker: The member for Elgin-Middlesex-London has two minutes to respond.

Mr Peters: I'd like to thank the member from Niagara Centre, the member from Haldimand-Norfolk-Brant, the member from Thunder Bay-Atikokan and the member from Nickel Belt for their comments.

The member from Niagara Centre raised a couple more points. The Minister of Agriculture should define "factory farm," should define "corporate farm," because there are many family farms that are corporate farms. Families who have an operation are incorporated, so where do you draw the line?

To the member from Haldimand-Norfolk-Brant, my riding is much like yours. The reliance on offshore labour is so important to that harvest. I made reference to that, the role they play, from planting to harvest, from pruning to harvest. I say 99% of those individuals who rely on offshore labour treat their employees well. When something goes wrong, though, I think it's incumbent that we get the message through to the federal government that something is wrong. But those individuals—I remember working in the grocery store. They would be in every week and they would buy their food and supplies and then would go home. They left a lot of money in the local economy. There's no doubt the migrant workers played an important role.

The member from Thunder Bay-Atikokan also made reference to the family farm. Again, I think it's incumbent for the minister to define these terms that many of us—we do—just throw loosely around. Let's hear that definition.

And to the member from Nickel Belt, the health and safety concerns she raised do need to be addressed. We need to ensure that we have a safe environment from production to processing in dealing with agricultural commodities in this province. Health and safety is of the utmost importance.

The Acting Speaker: Further debate?

Mr Kormos: I'm not going to get quite the whole hour in this evening, but I'm going to come pretty darn close.

I was reading a book earlier today that was published in 2002. The author is Tanya Basok. It's published by McGill-Queen's University Press. The book's title is *Tortillas and Tomatoes: Transmigrant Mexican Harvesters in Canada*.

I'll make a couple of brief references to some of the excerpts. Primarily, Ms Basok was working with Mexican migrant workers down in the Leamington area, in tomato country, southwestern Ontario. She writes of two meetings with Mexican migrant workers. I'm not talking about the 1940s or the 1950s or the 1960s or the

1970s. This first meeting she had was in 1997. And I'm not talking about down in the southern United States. As I've indicated, I'm talking about right here in southern Ontario.

She writes, "At the first meeting I asked the workers, who could not stop giving me examples of abuses they had suffered, to make a list of farms and indicate whether their patrones offered them vacation pay and public holiday pay and whether they used unsafe work practices. Not a single person volunteered to make such a list. At the second meeting, those who attended promised to look up the labels"—

Hon Mrs Johns: On a point of order, Mr Speaker: I think we all know in this House that this legislation is not about migrant workers. I just wanted to see if you wanted to make a comment about the validity of the discussion that's going on.

The Acting Speaker: I'm very interested in the comments of the member from Niagara Centre. I haven't made that determination, but if and when I do, I will. That is not a point of order, though.

Mr Kormos: She writes about her second meeting, these meetings back in 1997, "...those who attended promised to look up the labels on the pesticide cans used on the farms and give me the names of the pesticides ... but I did not receive a single name. My informants did not wish to be known by their patrones for their rebellious behaviour, and they did not trust each other enough to hope that their activism would be kept secret from them."

Yes, these are migrant workers. They're agricultural workers. They're women and men, be they Mexican, be they Spanish-speaking, be they third-generation or fourth-generation Canadian or be they new Canadian, who work in farm fields and in the factories that we call contemporary farming.

2040

Let me tell you about chicken catchers. Oftentimes, when I even mention the name "chicken catchers," people's smiles light up because they find it somehow amusing. But you can spot a chicken catcher across the road—we have a whole lot of them down in Niagara region; I know a whole lot of them—because you see all the scarred-up wrists and the hands, you see the red, running eyes, you see the open sores on the face and around the nostrils and the mouth. Because what chicken catchers do—and they're usually young men, and the ones I know work hard, real hard, and they're extremely proud of the fact that they do work hard, starting work at, oh, 10 or 11 o'clock at night and working through until 4 or 5 in the morning catching chickens. They're usually employed by contractors. They make \$12,000, \$13,000, \$14,000, \$15,000 a year on piecework, and they raise families with those incomes, they do. They support spouses and partners and kids, believe it or not, on \$12,000, \$13,000, \$14,000, \$15,000 a year. Many of them don't have real good educations; they just never had that happen to them. Some of them will acknowledge that they're not about tomorrow to quit the chicken-catching

business, put on a suit and go work for a bank. They understand that. But they're good, hard-working people.

When you sit down and talk to a chicken catcher when you want to find out why chicken catchers, to the final one, have the open sores and the red-rimmed, running eyes and the pus-sy sores around the nose and the mouth, they'll explain to you that when you catch chickens, thousands of them in one night, as you catch the chickens and you scoop them up and you hold one, two, three, four, as many chickens as you can, with the legs of the chicken between your fingers the way a waiter would hold a set of wine glasses as he or she is taking them out of the dishwasher, the chickens are defecating and urinating in your face. And the dander and the mites from the chickens are being—because the chickens of course are scurrying and flapping their wings, and the whole barn is just full of a ball of chickens, all attempting to elude the chicken catcher.

These chicken catchers, usually working for private contractors, get carted out to big chicken barns with 10,000, 20,000, 30,000 chickens in them. They get carted out in the dark of the night and have to work through the dark of the night because those chickens have to be caught, caged and carted off to the processor before sunrise. These chicken catchers are working in two-storey barns, oftentimes suffering serious falls because when it isn't dark, the vision is obscured by the dust and the disruption, just the huge mass of wing-flapping chickens.

These same chicken catchers tell me that as often as not they're carted out to these barns in old 10-, 15-, 20-year-old vehicles with holes in the floors and the smell of carbon monoxide and other exhaust fumes leaking up into the vans, with no seat belts and sometimes not even any seats in the van. And they also tell me that it's a rare farmer, never mind their own contractor, who will provide them with bottled water to drink during the course of the night. It's an even rarer one who will provide them with safety equipment, be it gloves or safety boots or—think of it—a mask you could wear to avoid inhaling all these things I talked about that are going to be prevalent in that chicken barn.

It's a rare contractor who's even going to require them to provide it, because the bottom line is that it's all about the bottom line. I understand that. I understand how corporations are motivated to make profit. I understand that and I have no quarrel with that. That's the nature of the beast. But I also understand that I've got a whole lot of young workers, right down in Niagara region where I'm from, in the chicken-catching business who need some fundamental rights in terms of some access to some health and safety controls over their workplace. By God, if anybody deserves a right to some fair collective bargaining around the issue of appropriate wages and around the issue of the right to refuse unsafe work and around the issue of ensuring that they have access to some basics like water during the course of an eight-, nine-, 10-hour chicken-catching shift, it would be those young chicken catchers.

So you see, Ms Johns, when I read about the circumstances of Mexican migrant workers and you protest and say, "Oh, no, they're not our responsibility; they're the responsibility of the federal government," what I'm telling you is that you've got agricultural workers who are your responsibility, whose conditions are just as described in Tortillas and Tomatoes, the research piece I referred to, by Tanya Basok.

These same chicken catchers, just like the Mexican migrant workers whom Ms Basok talked to, will spend and have spent hours with me outlining their concerns and their grievances about their work conditions and their lack of rights in the workplace and the dangers of their workplace. But they're hard-pressed to join me in a press conference in front of television cameras with the local press who are up here at Queen's Park because, just like these Mexican migrant workers in Leamington, these chicken catchers know that if they're revealed or exposed as in any way being, oh, rebellious or a threat to the contractor whom they've been working for they won't have jobs to go to, no matter how miserable those jobs are.

Let's understand something very, very clearly. I understand the interest of the corporate agricultural community in trying to perpetuate the mythology of the family farm, the romantic imagery of red-painted barns and haystacks and a couple of cows and what have you. I'm sorry; that's not the reality of agriculture in this province, and you know or you ought to know that that's the case.

Increasingly, farming, agricultural production in this province, indeed across this country, is corporate. Calling these operators family farms—and that's not to say there aren't any; of course there are. Down where I come from there's a whole lot of family farms. Do you know what family farms are? Family farms mean there are a couple where the husband works at General Motors, the wife works as a nurse at the hospital or as a teacher, and they operate the farm in the evenings and on weekends because that's the only way they can survive, because, Lord knows, on a small family farm like the ones I've got down in south Niagara—don't shake your head and hold your head like that, Ms Johns—

Interjection.

Mr Kormos: Don't hold your head like that, Ms Johns. I suggest you listen; écoute.

Hon Mrs Johns: They deserve to be on the family farm all the time.

Mr Kormos: These are the folks who are operating your so-called family farms. They don't have any employees, for Pete's sake, and if they do, they hire them seasonally to do a harvest or help out from time to time. Do you want to know something, Ms Johns? As Ms Martel has already told you, no trade union has any interest in organizing a local that consists of a couple of teenaged kids and a brother-in-law. That's just not the nature of the beast. The sad reality is that your attempt to perpetuate this mythology around the family farm—and, as I say, I'm sure some of them are owned by families;

but then again, Conrad Black owned the National Post. Was the National Post a family newspaper? You know the sort of imagery of mom and dad, the old Walt Disney movie there, sitting in the print room, putting the little type together and then printing the paper off once a week so it could be published on Monday? Give me a break.

Your line about family farms is about as valid as calling the National Post a family newspaper because Conrad Black owned it. You know full well what we're talking about. You know full well what Bill 91 in 1994 addressed, and you know full well whose interests you were acting in when you repealed it and whose interests you're acting in when you replace it with the embarrassment that you've put before this Legislature for second reading this evening.

You purport to have read Dunmore. Gosh, last night you told me you were the one who wrote this bill. She did. I take Ms Johns at her word. She insisted that she wrote this bill. I don't know whether she did it on a little Selectric or whether she got her Waterman fountain pen out and just drafted it off longhand some night, or whether she dictated it into a dictation machine, but Ms Johns says she wrote this bill, and far be it from me not to believe her.

The Acting Speaker: Two things: I wondered if you would, first of all, address your comments through me; and I wondered if you'd address other members by their ridings or their titles. Thank you.

2050

Mr Kormos: Speaker, you know I always appreciate your direction, and you're 100% right, as usual. I can't recall a time when you've admonished me that you have not been bang-on. I should be calling her the Minister of Agriculture, and by God, I will.

So there's the Minister of Agriculture last night—we were doing the Coren show—insisting that she wrote this bill herself. I don't want to offend any of her minions because I know there are all kinds of bureaucratic staff that the Minister of Agriculture has, people who draft these things, but do you know what? I thought about it. I looked at the bill again, because I had read it several times, and I realized that this bill was supposed to have been a response to Dunmore. When I realized how inadequate it was as a response to the Dunmore decision of the Supreme Court of Canada, I realized that, by Jove, the Minister of Agriculture probably did write it herself. She probably freelanced this bill. She thought it was just so warm and fuzzy. "I'll tell you what we're going to do." It was sort of like Judy and Mickey in one of those old movies. "Let's go form an association for some agricultural workers. Maybe they can put on a play. They can have a club. They can pay dues and they can elect a president and a vice-president. The association isn't going to have any impact on anybody's ability to collectively bargain or improve their lot in terms of better wages or fair collective bargaining around issues like occupational health and safety—no, no. But they can form a club."

In hindsight, and on reflection, I realize that the Minister of Agriculture probably did write this bill herself, because for the life of me I can't see anything in this bill that would have come from the very competent legislative counsel and legislative drafters whom I know to be working here in and about Queen's Park.

Let me tell you something else. I'm going to refer once again to the work. I commend it to you. I'm going to show it to Hansard so she can get the citation down right. It was published in 2002, McGill-Queen's University Press, *Tortillas and Tomatoes: Transmigrant Mexican Harvesters in Canada*, by Tanya Basok. The first reference I made, by the way, that I read a little while ago, was in the preface, page xvii. She makes reference to another bit of social research: 1994, Tatroff.

I was so sad when I saw Bill 187. I spoke to any number of groups over the next few days about this taking all of us back to Steinbeck and the Grapes of Wrath. Do you remember that? The Okies leaving the dustbowl and heading out, and the incredibly abusive and dangerous and exploitative conditions they were working under in those fruit orchards? Basok writes on page 61:

"In 1994 Tatroff described the conditions under which farm workers worked and lived as follows: 'Farmworkers are still being abused, they're still being housed in filthy shacks; they're still being packed like sardines into beat-up old school buses and driven to fields where they're forced to breathe in toxic pesticides; they're still not receiving the minimum wage; they're still being short-changed at the weight scales; and families ... are still being cheated out of their meagre earnings by greedy farm labour contractors.'"

Before the OFA gets the printing presses running and sends out any number of missives to its membership saying, "Look what Kormos said in the Legislature," and I said it—I know there are farm employers, agricultural employers out there who don't fit that description. But I'm telling you, the research indicates that there are. One of the problems is, be they Mexican migrant workers or chicken catchers down in Niagara, they're afraid to speak out. They know they don't have a lot of marketability out there in the job market. These people understand, as I say, that they're not going to go over to wherever you go to buy a suit nowadays. I don't know where you go to buy a suit—how would I know?—Stollery's. You don't go over to Stollery's, put on a suit and end up working as a bank manager or a CEO of some big corporation.

I tell you that for us as a community not to accord farm labour the same collective bargaining rights as any other working person is an injustice and in and of itself is a crime.

A final reference. I know the Minister of Agriculture may get really concerned but I commend the book to her. I just wanted to interest her in the content of the book. This is what's interesting. When I read from page xvii of the preface, I talked about the meeting in 1997 that the author had with Mexican migrant workers, and five years later, in 2002, she's meeting with them again, again

down in southwestern Ontario, Leamington. I'm referring to page 149 of her book. She writes:

"What I experienced that Sunday afternoon was a replay of the events I discussed in a preface to this book. As before, Mexican workers were anxious to tell anyone who was willing to listen about the abuse they had experienced on Canadian farms. They talked about accidents at work and their uncertainty about compensation insurance coverage. They described the deplorable living conditions some of them experienced. They talked about long hours of work without overtime pay. Some were frustrated about not having received their income tax return from the Mexican consulate, and they were very critical of ... the Mexican consulate in general. They were upset that unemployment insurance premiums were deducted from their pay without them benefiting from this insurance policy. And they were uncertain about whether they could ever collect their Canadian pension. I had a feeling of *déjà vu*."

The image that's painted here, for instance, is in direct contrast to the image that's painted by folks like one Hector Delanghe. I met Hector Delanghe for the first time—I might have met him here or there before—last night, once again in that same Coren show. The Minister of Agriculture was there and she had her little entourage with her that waited in the back room. Hector Delanghe was there and his wife was with him—I think it was his wife—but not an entourage. Hector got up on this television show and was just praising Bill 187 no end. He said, "That's exactly what we need. We can't have unions on the farm, because farming is special. After all, I'm a family farmer and I understand family farming." He really painted the image of the family farm, again this romantic image of the family farm.

I want to tell you something. I remember my grandparents' farm down in the Tilsonburg area. I was just a little kid. There weren't nothing romantic about it. Sorry—nothing romantic about it. It was a lot of hard work, outhouses, no plumbing—granted, this was back in the 1950s—and the longest days, I suspect, that anybody's ever had to work. I'm not old enough to remember my other grandparents' farm. They lost that in the Depression, I'm told, so there wasn't much there in any event and nothing romantic about that either. Talking to my grandmother—farming as a romantic endeavour? Sorry—all she could remember was painfully difficult work. These people were peasant farmers. Understand that as well. These people were peasant farmers. They clearly didn't make any money at it. They barely fed themselves and didn't even succeed very well at doing that. They didn't have any employees.

I want to tell you, I have nothing but the strongest words of praise for United Food and Commercial Workers and Mike Fraser, among others, with that trade union. I should let you know this: I believe that trade unions—their membership, their leadership and the trade union movement—have done more to effect social and economic justice in our society than any other institution. I believe that. I believe that trade unions and the trade

union movement are responsible for the creation of the working middle class and for the kind of prosperity that I enjoyed as a kid and as a young adult, in stark contrast to the incredible hard work that my parents and their generation did. I believe that too. I challenge anybody to refute that.

2100

It certainly wasn't the largesse of big corporations that all of a sudden one day decided to give their workers benefits or pension plans or better wages, because it doesn't work that way. You see, when the shareholders of a huge corporate agribusiness gather at the end of the year to have their annual shareholders meeting, and they've got the CEO and the board of directors sitting up in front of them on a stage and they get to line up because there's a microphone there and people line up and ask questions to the CEO and the board of directors, the shareholders of a big corporate agribusiness don't line up saying, "How much did we improve our workers' lives this year?" They don't stand up and say, "Oh, how many workers' children did we send to college or university this year?" They don't line up and say, "Oh, how did we improve our workers' housing this year?" No, they stand up and say, "How much more profit did we make this year?" I understand that. It's neither good nor bad. It's not immoral. It's amoral. That's just the nature of the beast. I understand that.

I also understand that at the end of the day, working people have nothing to sell but their labour. That's not rocket science either, and it's neither immoral nor moral. It's neutral. It's just the reality of life.

But I know this. One of the fundamental, basic tenets of a democratic society is the existence of a strong and vibrant trade union movement. Make no mistake about it. You can mark my words. You pick any culture you want. You pick a totalitarian one and there will be trade unions, maybe, but they'll be there in name only. You go down right-to-work states and they've got trade unions all right, the kind of trade unionism that the Minister of Agriculture advocates. She suggests that one of the associations that a farm worker might be entitled to join under her legislation is, oh yes, a trade union, but it will be a trade union in name only, because it won't have the power or any of the rights that a trade union has in terms of being able to act for or collectively bargain on behalf of its membership.

I really don't know what the fear is. Agricultural workers understand that they're in a low-wage industry. They know that. They know the profit margins are slim. I tell you, the goal of agricultural workers when they seek to organize into trade unions and collectively bargain is not to earn auto assembly salaries. Their primary goal is around the issues of health and safety.

I'll say it again. Every year agricultural workers are murdered and maimed on their work sites. I use those words very advisedly, because I'm not going to sanitize the death of any worker by referring to it as a mere accident when I know full well that when workers have control over their workplaces in a meaningful way they

can prevent those deaths. It implies that it's not an accident any more. An accident is an act of God. You know what I mean? That's an accident. When you've got a complete failure to entertain any risk management and when you don't give workers statutory or contract rights over health and safety in their workplace, sorry, I'm hard-pressed to believe that those are accidents any more that take those workers down and bury them six feet under or that leave them crippled or legless or armless.

In fact, let's be fair. Farming is one of the most dangerous if not the single most dangerous occupation, trade or work in this province. That's as equally true for farmers as it is for farm workers. I acknowledge that too. The Canadian Medical Association has some very special things to say about that. Talk to doctors from out in rural parts of Ontario and they can tell you about some of the very special types of medical treatment that they apply in response to farm injuries.

But for the life of me, I am not going to buy the argument that somehow there's something so unique, so extraordinarily special about the agricorp workplace and distinct from any other workplace that would permit one group of workers to form unions and collectively bargain yet deny it to the others. In fact, if you read Dunmore really carefully and very thoroughly you will note the observation made—let me see if I can find it for you. It might just take me a second; I promise not to be long. Let me see if I can find for you the reference to the fact that there's nothing so distinctive about agricultural work that would prevent it from unionizing.

Well, I haven't got that one tabbed, but I do have tabbed one of the many references—government, you see, hides behind the reference to association in the legislation that the Minister of Agriculture penned or Selectricked as the case may be. I hope it wasn't late at night and she was all alone and just on whimsy said, "I'm going to write myself a bill. I'm going to write myself Bill 187. I'm going to give the right to associate to farm workers because I've read this Dunmore decision. It's a thick one, but I got through it all right. I think I'm just going to write myself a bill. Here's a bill, Bill 187." That's what she told us last night and I have no reason to disbelieve her.

The Dunmore decision is rife with references to the fact that the so-called family farm simply isn't there any more, and if it is there, it's in modest numbers. The nature of farming in terms of agribusiness has changed dramatically. That may not be a good thing. As a matter of fact, I'll suggest to you that it's not a good thing. Folks from the National Farmers Union would say it's not a good thing. The National Farmers Union: are you familiar with them, Minister? Those are farmers who understand that they are as much a victim of megacorporate farms as are agricultural workers. The National Farmers Union, the farmers who are members of that organization, support the right of agricultural workers to belong to trade unions and collectively bargain.

The reference—the fellow last night on that TV show made it over and over again. Oh, I should tell you. This is

what I found really interesting about meeting him for the first time last night, this Hector Delanghe. Here he was, and he was adamant that there should be no right to unionize, that folks like me—"You kind of people"—that's what he was like: "You kind of people"—meaning me, right?—"you don't understand farming. Farming is a precarious business." All those things are probably true, but then I saw that Hector Delanghe, who's firmly on-side, in bed, cheek-to-cheek, jowl-to-jowl with this government around Bill 187, was one of the members of the task force on agricultural labour relations that in November 1992 effectively helped draft the NDP Bill 91. What's going on here? Is this somebody who will court anybody who happens to be in government to have his interests or the interests of the people he speaks for best met? It looks like back in 1992 he was a friend of the government of the day then, part of the team that wrote Bill 91.

Bill 91 was—talk about rife. If anything, it was rife with compromises. I acknowledge that. One of the things that was regarded as unique about agriculture was the perishability of the product and the need for timing, timing, timing, and the observation that a labour dispute, a work stoppage, a strike could have far more serious consequences for an agricultural producer than it could for a producer of widgets. You can't just shut the machinery down and turn the furnaces off and put everything in storage until a week or two weeks later when the resolution has been arrived at and then get back to work again. By then—I agree—the crop's gone, she's gone. If you've got livestock, cattle and so on, you leave them one or two days without proper handling and you've got a serious problem.

So the task force on agricultural labour relations, among other things, embraced the proposition that in Bill 91 when the New Democratic Party as government in the province gave agricultural workers the right to join trade unions and to collectively bargain it would not give them the right to strike but would rather require a resort to arbitration. It was a final offer—final selection, final offer; which is the correct terminology?—type of arbitration, which is very tricky stuff. It really is. It's a totally different beast. "Final selection" is the language used for it. I should know this much better, in terms of final selection.

2110

Ms Martel: It's "final offer."

Mr Kormos: Yes: "final offer." Wow, thanks, Ms Martel.

But that's much more high-stakes arbitration than the usual interest-based arbitration and takes away any disincentive to negotiate and have mediated as much as you can. In other words, final-offer selection, as an arbitration model, encourages you to mediate as much as you can, because you may not like the result, as compared to what was argued by the task force. Again, this is one view, and I know there are views out there: regular interest-based arbitration, which some say creates an incentive to keep as much in your back pocket—in

other words, to settle as little as possible, saving as much as you can for the arbitrator. Final-offer selection does the exact opposite.

So if the concern is around a work stoppage interfering with harvest, that concern was met in the NDP legislation. I don't know if Mr Steele gave me a summary of the argument being made last night by the OFA. Perhaps if he hasn't, he'll make sure I get a copy of it; yes.

I listened very carefully to the Liberal agriculture critic, who accurately indicated that the Liberals did not support the NDP legislation, that they supported the Conservative repeal of the NDP legislation; and I listened really carefully when he said the Liberals support this bill now, Bill 187. I ran it over to him with the excerpt from Hansard, where the now Liberal House leader, the then-Liberal member from down Windsor way, was trying to make it quite clear: "Look, folks, we're going to vote against Bill 7, the one that repeals Bill 91, but I want you to understand that we really do want Bill 91 repealed." We've got to make that very, very clear. Look, all I can do is draw inferences, that the official opposition party doesn't want agricultural workers to be able to join unions either. They're supporting this bill, which offers up but the right to associate. I put to you that nobody, least of all agricultural workers, even need legislation that gives them the right to associate. I put to you that that's inherent in and of the charter itself.

Mr Steele is getting that summary for me of the arguments that were being made by the OFA. He was down there at the Michael Coren studio thing with me and he's bringing me the summary of the OFA arguments. What concerned me, and notwithstanding that the Minister of Agriculture assures me that she personally wrote this legislation—busy, busy little minister with her Waterman fountain pen, writing this legislation into the dark hours of the night. I then was amazed at how unfamiliar she seemed to be about its real impact and effect. Folks kept on talking about resorting to the tribunal: "Oh, you can go to the tribunal." Yes, but what can you go to the tribunal with? Do you know what your rights are? Your rights are to submit your grievances to your boss. That's your right; that's what you're entitled to do as an agricultural worker.

Here we are: "Purpose," section 1, right at the beginning. This is when the Minister of Agriculture, as she was writing this bill, as she explained to me, was still fresh. She was just getting into it: "The right to make representations ... respecting the terms and conditions of their employment." In other words, you've got a right to tell the boss, "Boss, we've got people dying out here because of their exposure to pesticides." You've got a right to go to the corporate boss and say, "Boss, we've got people being ripped off here because they're being cheated at the weight machines." You've got a right to go to the corporate boss and say, "Boss, these wages are lower than minimum wage." You've got a right to go to the corporate boss and say, "Boss, the procedure or the equipment that you're requiring us to operate isn't safe

and won't be safe until certain things are done to install safety devices." But you see, then what's the obligation of the boss, of the employer? The obligation of the employer—catch this: "The employer shall listen to the representations if made orally, or read them if made in writing.... If the representations are made in writing, the employer shall give the association a written acknowledgement that the employer has read them." End of story. It's over. Silly.

That I sat with the minister and an advocate for agribusiness last night on so-called public airwaves and had them tout this to however many people happened to be watching and listening at that time, in hindsight is downright embarrassing, isn't it?

As I told you, the minister had her little entourage there. Minister Ecker was with her as part of that entourage, and they were doing the spinning and the doctoring, I'm sure. So tonight what's interesting is that the Minister of Agriculture said, "Oh, mind you, when I say they can join associations, I suppose that means they could join a trade union too. But don't think it's going to do you any good, because the rights that will be accorded you with that trade union will be to write a letter of concern to your boss, and if you write it to him, he'll have to acknowledge receiving it, saying, "Received." He's got a rubber stamp. It will just say "Received October 22, 2002, 10 pm." If you make it orally, he doesn't even have to nod. He doesn't even have to say, "Yes, I hear you," or "I'll think about it."

This is very sad stuff and it's certainly not an adequate response to Dunmore, nor is it an adequate response to the interest that workers have for being in trade unions and in collective bargaining. Look, I understand. I also believe that you've got to take sides, right? You cannot be so subtly straddled, with one foot in each camp. You've got to pick sides.

The government and the minister: I know what side they're on. They never did like unions. I doubt if they ever will. They've been bad-mouthing unions from day one. Since their first day here in 1995, they've been vilifying union leadership. They've been talking about union bosses and union goons. This government doesn't like trade unions. It basically doesn't like working people. It thinks that working people should work for less and less so that other people, the rich people, the corporate bosses, can make more and more. Look, that's a point of view. It's not one that I share, but it is a point of view. So I understand why this government introduced this bill.

If this government could strip workers who now have collective bargaining rights of those rights, it would love to. I remember—heck, it wasn't that long ago, here in this chamber—that out of this government came a private member's bill and a private member's resolution that would have abolished the Rand formula. Do you remember that one? You know: "Do through the back door what you couldn't do through the front door."

This is the government that has advocates of right to work. Understand that that doesn't mean a right to fair

wages, it doesn't mean a right to a safe workplace. It means a right to bid against your neighbour for lower and lower wages. It means the right to bid against your neighbour for longer and longer hours. It means the right to bid against your neighbour for reduced pensions. It means the right to bid against your neighbour for the right to work until you're older and older, not because you want to, not because you enjoy the work, but because you have to.

I understand this government's agenda. This government has never gone or sent a delegate or one of its ministers—whatever, what have you—to a trade union convention and said, "Please vote for us." This government simply wouldn't. They may be miserable, tax-cutting, right-wing—what have you—but at the end of the day they've got a strategy. They don't have to go to trade unions asking for trade union support because they've got the big money support, they've got the big ticket items. I go through those lists of campaign contributors during that leadership convention. Those are the kinds of friends they have.

2120

I want folks out there to understand very clearly that you can't on the one hand say, "Oh, we're for working families and working people," but have some workers better than others. That's what some people in this Legislature are saying right now, that some workers are better than others, that some workers have the right to belong to trade unions and bargain collectively and others don't. New Democrats dispute that.

Perhaps Mr Steele can bring up that memo. I've got most of them here. I want to make sure I don't miss any, that I get them bang on. I've got one more.

This advocate for corporate agribusiness is saying, "What if workers do a work slowdown or a wildcat? Even though they don't have the right to strike, what if they wildcatted or did a work slowdown? That would put our crops in peril." Please, listen. Read my lips. Be careful. Slow down. Pay attention. These guys just don't get it. An employer has far more control over a work slowdown or a wildcat if his workers are unionized and there's a contract than if not. Do you understand what I'm saying? When you've got a union, unionized workers with a contract, there are certain liabilities that go along with that. Sorry, pal, but unorganized workers can stage a wildcat as readily as organized ones can, and yes, that poses a danger, but that's why you want a healthy collective bargaining environment.

I know employers in union operations that have been doing what they've been doing and making money while they're doing it for decades without a strike, without a single day of lost work as the result of a labour dispute. That includes some of the most militant, activist unions.

You had some concerns expressed, but not by New Democrats. You see, one of the patterns here at Queen's Park is that this government introduces legislation, has three days of second reading, and bang, files a time allocation motion, and bang, one more day and then it's shut down, shipped out the door.

I don't know whether the government is going to do that with this bill or not. I know it's going to be embarrassing for the government to expose this bill to public scrutiny. They'll be able to muster up some participants in public hearings who will say the bill is good, "We don't like the fact that agricultural workers should be able to join unions and have the right to collectively bargain." That's what they'll say. But then there's going to be a whole lot of other people—workers themselves, trade unionists, lawyers, analysts, constitutional experts and charter of rights experts—who are going to make the Minister of Agriculture and her little drafting exercise in the wee hours of the night on that Selectric look pretty pathetic.

I don't know if the government is going to send this bill out to committee or not. Let's go back to 1994 and Bill 91, the NDP labour relations structure for agricultural workers, which gave them for the first time in their history the right to join trade unions, the right to collectively bargain.

Did all workers on little family farms organize? No, but I'll tell you who did. An operation called Fleming Chicks did, a chick hatchery—no mom-and-pop operation, let me tell you—and a mushroom factory in southwestern Ontario—no mom-and-pop operation. They organized.

This government came to the rescue. It wasn't Mr Snobelen on his horse; it was somebody else riding in on his steed to the rescue of those corporate operators. This government repealed the legislation that permitted the collective bargaining.

My concern is that the debate around this bill is going to be one of misrepresentations, of less-than-accurate statements—I'm being careful, aren't I, Speaker?—of less than the complete set of facts, and oh, of prevarication after prevarication by any number of people.

My concern is that at the end of the day this legislation will not withstand more court scrutiny. The government already owes a huge amount of costs to the United Food and Commercial Workers. The government blew a whole bunch of taxpayers' money fighting the Dunmore decision all the way to the Supreme Court of Canada. They dropped a bundle on what was a futile exercise. A first-year law student could have told them it was money ill-spent. Thank goodness for the United Food and Commercial Workers.

We had the Minister of Agriculture last night on a television show, Michael Coren's show on the CTS network, and she was telling people that, yes, she's prepared to duke it out again and she'll bet the bank this time—won't you?—that the courts will uphold her bill. That's what you said last time, not you but your predecessor. Come on. If it's the same lawyers advising you now who advised you then, I'd get new lawyers.

Sit down with the Attorney General and have a tête-à-tête with him. Let him read Dunmore and review your Bill 187. The Attorney General will tell you you've got about a snowball's chance in Hades of your Bill 187 passing scrutiny by a court in terms of any effort, even

the most modest compliance with the direction imposed by Dunmore when the Supreme Court of Canada ruled.

More important, we've got tens of thousands of agricultural workers in this province who have been made invisible and whom you are keeping invisible. You want to keep them disempowered. These are hard-working people. These are people whose lives are taken every year and who are injured in even greater numbers, who are poisoned by the pesticides and other toxins that are used in agricultural production, who work tremendously hard and have little interest in shutting down production, albeit a mushroom factory or a chicken hatchery or any other type of agricultural production, who have demonstrated every interest in working darned hard.

What I really dislike is your effort to paint agricultural workers, or any other worker for that matter, but least of all agricultural workers, as somehow devious, conniving sort of people who only want to go in there and destroy the farmer's crop—the farthest thing from the truth. Be they chicken hatchers, be they mushroom workers, be they field workers, the agricultural workers I know are incredibly hard-working people. They're proud of the produce they help create. They just don't want to be poisoned by pesticides in the course of creating it. These same workers just want to make sure there are a few dollars left—

The Acting Speaker: That's it for tonight. It being 9:30, this House stands adjourned until 1:30 tomorrow.

The House adjourned at 2129.

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Raminder Gill, Pat Hoy, Morley Kells, Rosario Marchese, Ted
McMeekin, Bill Murdoch, Wayne Wettlaufer
Clerk / Greffier: Katch Koch

CONTENTS

Tuesday 22 October 2002

SECOND READINGS

Agricultural Employees Protection

Act, 2002, Bill 187, *Mrs Johns*

Mrs Johns..... 2339, 2342

Mr Barrett..... 2340, 2350

Mr Ramsay... .. 2342

Mr Kormos... .. 2342, 2349, 2351

Mr Wettlaufer..... 2342

Mr Levac... .. 2342

Mr Peters... .. 2343, 2351

Mrs McLeod... .. 2350

Ms Martel... .. 2350

Debate deemed adjourned..... 2358

TABLE DES MATIÈRES

Mardi 22 octobre 2002

DEUXIÈME LECTURE

Loi de 2002 sur la protection

des employés agricoles,

projet de loi 187, *M^{me} Johns*

Débat présumé ajourné..... 2358

CADON
XI
-D23

Government
Publications



No. 47A

N° 47A

ISSN 1180-2987

Legislative Assembly of Ontario

Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Wednesday 23 October 2002

Mercredi 23 octobre 2002



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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 23 October 2002

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

HYDRO CHARGES

Mr Michael Bryant (St Paul's): The Harris-Eves government has bungled on Hydro again, this time botching the Hydro debt retirement charge and playing tax collector of the GST for a charge that deserves no tax at all.

It turns out that the Tories failed to structure the Hydro debt charge to exempt it from the GST. Worse, the self-described tax fighters actually volunteered to collect the GST for the federal government on the debt retirement charges back in 1999.

Now that hydro bills are unbundled "gobbledygook," according to the Tory energy minister, Ontarians know we're all paying GST on something that simply should not be taxed, the retirement of the multi-billion-dollar Hydro debt, which somehow continues to increase under Tory rule.

While provincial and federal members of Parliament have appealed to the federal finance minister on this matter, the Harris-Eves government has managed to, first, attract the GST for the charge through their own negligence, and then failed to lift a finger to relieve consumers of this unfair tax.

Today Dalton McGuinty and Ontario Liberals repeat our demand that the province stop playing tax collector for the feds on the debt retirement charge. Cease and desist collecting the GST on the debt charge.

Next, I say to the government, fix your bungled debt retirement charge so that it is exempt from the GST. As the federal finance minister makes clear in his letter of yesterday to MPs, the Ontario government could have structured the debt charge such that there would have been no application of the GST.

How badly have the Tories bungled Hydro? Somehow this provincial government managed to heap a federal tax on a charge to reduce a provincial debt, itself partly of the Tories' own making. It's time for this government to stop royally penalizing consumers, clean up this hydraulic mess and remove the GST from the debt retirement charge.

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 23 octobre 2002

WOMEN'S INSTITUTES

Mr John O'Toole (Durham): I respectfully rise in the House today to pay tribute to an important milestone in the history of the Women's Institutes in Ontario.

Women's Institutes is a nonprofit, charitable organization that supports local hospitals, libraries, museums, shelters and community endeavours across the province. They build safe and healthy communities. Through their Tweedsmuir histories, Women's Institutes are also stewards of local history. Through the widely supported ROSE program, they provide vital health care information to women and their families in remote and rural parts of Ontario.

This past weekend, the Central Ontario Area Women's Institutes celebrated their 100th anniversary. It is estimated that in the past 20 years alone, the central Ontario area has raised \$1.3 million and provided almost a million hours of volunteer service. The achievements are indeed a cause for celebration.

I'd like to congratulate each of the Women's Institute branches in my riding for their role in this celebration. Some of the branches and presidents in our Durham riding include Jennifer Bowman from Solina, Bernice Puk from Bowmanville, Marjorie Prescott from Maple Grove and Marilyn Martin from Providence-Shaw's.

In the northern communities of Durham riding, the branches and their presidents include Margaret Bruce of Bethesda-Reach, Gloria Fralick of Scugog Island, Muriel Wotten of Shirley, Pat Sleep of Blackstock and Dorothy Tindale of Honeydale.

I'd also like to extend congratulations to Billie Power, chair of the Central Ontario Area Women's Institutes, and to Viola Ashton, first vice-chair. They have given much to their country.

It's time we celebrate home and country along with the Women's Institutes of Ontario.

LAND DEVELOPMENT

Mr Mike Colle (Eglinton-Lawrence): Sadly, our provincial government has struck a secret deal with developers that makes the \$10-million gift they gave to professional sports teams look like pocket change.

Not only has Municipal Affairs and Housing Minister Hodgson ordered that Richmond Hill council and the Ontario Municipal Board permit the building of 8,000 homes smack in the middle of the Oak Ridges moraine, its most sensitive area, he is also about to further compensate some of these same developers by giving

them thousands of acres of provincially owned public land in north Pickering and Seaton, also an environmentally sensitive area.

Concerned environmentalists and citizens in Durham and all across the GTA are asking the Eves-Harris government to make the terms of the secret land swap deal public. They are asking that they justify why they are allowing developers to build 8,000 homes on the moraine and then further compensating them with thousands more acres of public land in Durham and Seaton. The public is saying that if you've got nothing to hide about this secret deal, Mr Hodgson, let's see what the terms and the land values are. Put it on the table and let the Provincial Auditor look at it. Why are you keeping this deal that's going to mean maybe \$500 million to developers secret? Why is it in the public interest to keep this deal or make this deal?

Stop the Seaton land swap immediately. It's a scandal.

TENANT PROTECTION

Mr Michael Prue (Beaches-East York): Today all members of the House have learned what housing advocates and tenants in this province have known for all too long, and that is that the government's housing policies are simply not working.

The former minister stood up in this House some four years ago when he introduced the Tenant Protection Act and talked of great, huge promises. He promised there would be 10,000 apartment units built a year; that there would be cranes across Toronto, Ottawa and Hamilton, building new apartment units; that there would be rental housing for everyone who needed it; that there would be homes for everybody who was desirous of having a rental unit.

But we have seen in the past four years, since that disastrous policy was adopted, what has really happened. The Tenant Protection Act has not protected tenants at all. We have learned today that, in that period, 40,000 housing units have gone from the rental portfolio in Ontario; we have learned about vacancy decontrols and the escalating costs that tenants have to pay to live in their homes; we have seen the above-guideline increases; we have seen the record number of evictions under this act; and we've seen the homelessness on our streets.

The minister and all of the associate ministers must take responsibility for this. They must do something about the housing crisis that is facing the tenants of this province. They have to take control of this. Today's news in today's newspapers has to be resolved. I would invite all the ministers to do something about this very serious problem.

W.F. HEWITT PUBLIC SCHOOL

Mr Toby Barrett (Haldimand-Norfolk-Brant): Every year, people from across Ontario converge on the quiet community of Waterford for the annual Pumpkin-fest celebrations. While visitors to this weekend's festi-

ties were thrilled with the usual impressive pumpkin-themed displays, not to mention the parade and the pies, there was an added attraction for many this year as the small school of W.F. Hewitt celebrated its 50th anniversary. To mark the occasion, faculty and alumni got together to hold a reunion for former students and teachers.

Despite the years, the school has withstood the test of time and soon reminded returning visitors of their days spent learning and living within those same halls and classrooms. Hundreds of alumni spent this past Sunday roaming the halls, gazing at the collection of pictures of old friends and rekindling good memories of what it meant to attend W.F. Hewitt. The extensive collection of photographs provided a detailed history of life at the school, thanks to a tradition of taking photos every month of the students and the school, and while there is little doubt that much has changed, the smiling and earnest faces of rural-area students who have passed through the school remain constant.

W.F. Hewitt opened its doors to the people of Waterford and area in 1953, and it stands today as a testament to the importance of rural schools to our smaller communities.

KYOTO PROTOCOL

Mr James J. Bradley (St Catharines): Today is an historic day in Ontario, as members of the Ontario Legislature will be voting on a very straightforward, unequivocal resolution which reads as follows: "The Legislative Assembly endorses the ratification of the United Nations Kyoto Protocol in Canada." This Legislature will have an opportunity to send a positive, encouraging message to the people of this province; this nation and the world by endorsing the Liberal resolution this afternoon.

Included in the long list of supporters of the Kyoto Protocol is the Society of Alberta Medical Officers of Health, who in May of this year passed a unanimous resolution encouraging governments to work to meet or exceed Kyoto targets. Unfortunately, Dr David Swann, one of the most respected public health experts, was fired from his job as the medical officer of health for the Palliser Health Authority in Alberta for speaking out in favour of the Kyoto Protocol.

1340

Prominent scientists across the world have warned of the dangers of inaction in dealing with the problem of global warming and climate change. Traditionally Ontario, its Premier and its Legislature have played a leadership role in national environmental initiatives, urging other provinces to join us in working hand in hand with the Canadian government to achieve genuine environmental progress. Our first obligation is to the health and environment of the people of Ontario, not to the protection of the financial interests of the coal and oil industry and its long-time defenders. It is time to reject the tired and predictable arguments of the environmental

naysayers and to embrace positive change, which will be of immense benefit to both our health and our economy.

PUBLIC LIBRARY WEEK

Mr Bert Johnson (Perth-Middlesex): I rise today to tell my fellow members of my visit to the North Perth Public Library in Listowel this past weekend. Rather than the usual hush of a library, when I entered the Listowel branch this Saturday I was welcomed by music from Listowel's Senior Serenaders. They were helping to launch the library's newly automated services.

After I picked up my new library card, I was pleased to see first hand the new services, which include a Web site where people can search the library's catalogue from their home computer. The newly automated services were unveiled this weekend to coincide with Ontario's Public Library Week. That is particularly appropriate, considering that the theme of this year's Public Library Week is Get Internet Smart at your Public Library.

Public libraries play a crucial role in their communities, offering access to information as well as a place for the community to come together. Despite this important role, libraries are often taken for granted, so it's important to recognize Public Library Week.

I want to take this opportunity to congratulate chief librarian Gay Kozak-Selby and her staff, as well as the members of the North Perth public library board, headed by Chair Mary Turner, for their ongoing efforts and accomplishments.

PREMIER OF ONTARIO

Mrs Sandra Pupatello (Windsor West): The question we have is, who is the real Ernie Eves? Yesterday he tried to pretend that he was a rural boy from Perry Sound. We know this is the same Ernie Eves who eats at Bigliardi's steakhouse in downtown Toronto so often that he doesn't get a bill, he gets a monthly statement.

Today we learn from a confidential memo from Janet Ecker that Ernie Eves says he's a Windsor boy. But that doesn't mean he wants to solve our border crisis. He'll come down for a quick photo opportunity, but what the memo reveals is that Ernie Eves will say anything at any time just to buy himself a vote. On the issue of the Windsor border, this memo is crystal clear. He won't support a solution based on merit. He won't look at facts or evidence. What the memo says very clearly is that Ernie Eves will make a decision based on "what makes political sense."

So the real face of Ernie Eves is revealed. The Bay Street boy will pretend to be rural and he'll pretend to care about Windsor, but when push comes to shove, it's all down to which way the wind is blowing or, I suppose, who makes the best steak.

The government is in crisis, with no agenda and no leadership. We have a Premier with no plans for the Windsor border, the most significant border in the country, and on health care, on the environment, no plan

to bring down skyrocketing hydro rates either—a Premier who's prepared to say anything to anyone in order to get their vote. The people of Ontario will see right through it.

GO TRANSIT

Ms Marilyn Mushinski (Scarborough Centre): I rise today to extend my sincere appreciation to the Minister of Transportation for his announcement this morning that two additional GO Transit trains will travel the Lakeshore east route in the morning. This is good news for commuters along the corridor that runs from Oshawa to Union Station, including a stop in Scarborough. I believe today's announcement will mean that more commuters will decide to choose public transit over the use of their cars.

This is a very important issue. My constituents have been telling me that gridlock is a serious problem for them. As today's announcement makes clear, the Ernie Eves government is responding to the concerns expressed in my riding. More commuters using GO Transit means there will be less congestion locally than there otherwise would be. This means that people who must use their cars will also benefit as well as those who enjoy the improved convenience that two additional morning trains will offer commuters along the GO Transit Lakeshore east line.

I commend the minister for addressing this concern of my constituents, and I look forward to further good-news announcements of initiatives that will reduce congestion on our streets and improve the environment.

VISITORS

Mr Monte Kwinter (York Centre): On a point of order, Mr Speaker: I have the privilege and honour of recognizing a group of students from St Robert school in my riding of York Centre, who are here with their parents and teachers. They are a wonderful young group, and I have to tell you why. While I had a question-and-answer period, one of them said to me, "How old are you," and I said, "Very old." He said, "40?" and the other one said, "No, he's probably only 30."

I just want to tell you that I really appreciate that comment. Thank you.

Mr Gerard Kennedy (Parkdale-High Park): On a point of order, Mr Speaker: It's a privilege to ask the Legislature to acknowledge Mary Szkambara, who is the past president of the Ukrainian Canadian Congress, and her guest here from the Ukraine, Iryna Holobyeva, who is the assistant to the Minister of Youth and Family, president of the National Council of Women of the Ukraine and also assistant to the mayor of Kiev. They're in the members' gallery.

Mr Steve Peters (Elgin-Middlesex-London): I'd like to ask everybody in the House to recognize the presence in the members' gallery east of Mr Bob Eaton, who served as member of provincial parliament for the riding of Middlesex. Welcome, Bob.

The Speaker (Hon Gary Carr): I'd like to welcome at the table Marian Johnston, who is the Clerk Assistant and Clerk of Committees at the Prince Edward Island Legislature. She will be visiting our Legislature for the next two weeks. Please welcome our special guest.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON JUSTICE AND SOCIAL POLICY

Mr Toby Barrett (Haldimand-Norfolk-Brant): I beg leave to present a report from the standing committee on justice and social policy and move its adoption.

Clerk Assistant (Ms Deborah Deller): Your committee begs to report the following bill as amended:

Bill 30, An Act to amend the Fire Protection and Prevention Act, 1997 in order to protect the employment of volunteer firefighters / *Projet de loi 30, Loi modifiant la Loi de 1997 sur la prévention et la protection contre l'incendie afin de protéger l'emploi des pompiers volontaires.*

The Speaker (Hon Gary Carr): Shall the report be received and adopted?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1348 to 1353.

The Speaker: Mr Barrett has moved the adoption of the report of the standing committee on justice and social policy regarding Bill 30.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Guzzo, Garry J.	O'Toole, John
Baird, John R.	Hodgson, Chris	Ouellette, Jerry J.
Barrett, Toby	Hudak, Tim	Runciman, Robert W.
Clark, Brad	Johns, Helen	Sampson, Rob
Clement, Tony	Johnson, Bert	Snobelen, John
Cunningham, Dianne	Kells, Morley	Spina, Joseph
DeFaria, Carl	Klees, Frank	Sterling, Norman W.
Dunlop, Garfield	Martiniuk, Gerry	Stockwell, Chris
Ecker, Janet	Mazzilli, Frank	Turnbull, David
Elliott, Brenda	McDonald, AL	Wettlaufer, Wayne
Eves, Ernie	Miller, Norm	Wilson, Jim
Flaherty, Jim	Molinari, Tina R.	Witmer, Elizabeth
Galt, Doug	Munro, Julia	Young, David
Gill, Raminder	Newman, Dan	

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Di Cocco, Caroline	McLeod, Lyn
Bisson, Gilles	Dombrowsky, Leona	McMeekin, Ted
Bountrogianni, Marie	Duncan, Dwight	Patten, Richard
Boyer, Claudette	Gravelle, Michael	Phillips, Gerry
Bradley, James J.	Hampton, Howard	Prue, Michael

Brown, Michael A.	Kennedy, Gerard	Pupatello, Sandra
Bryant, Michael	Kormos, Peter	Ramsay, David
Caplan, David	Kwinter, Monte	Ruprecht, Tony
Cleary, John C.	Lalonde, Jean-Marc	Sergio, Mario
Colle, Mike	Marchese, Rosario	Smitherman, George
Cordiano, Joseph	Martel, Shelley	Sorbara, Greg
Crozier, Bruce	Martin, Tony	Wood, Bob
Curling, Alvin	McGuinty, Dalton	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 41; the nays are 38.

The Speaker: I declare the motion carried.

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon Gary Carr): I beg to inform the House that today the Clerk received the seventh report of the standing committee on government agencies. Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

INTRODUCTION OF BILLS

CELEBRATION OF HELLENIC HERITAGE ACT, 2002

LOI DE 2002 SUR LA FÊTE DU PATRIMOINE HELLÉNIQUE

Mrs Bountrogianni moved first reading of the following bill:

Bill 193, An Act to proclaim a day and a month to celebrate Hellenic heritage in Ontario / *Projet de loi 193, Loi proclamant un jour et un mois de fête du patrimoine hellénique en Ontario.*

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All opposed will please say "nay."

In my opinion, the ayes have it.

The member for short statement.

Mrs Marie Bountrogianni (Hamilton Mountain): The Hellenes, the Greeks of today, are the proud descendants of a culture that originated in the glorious civilization of ancient Hellas. Many of the ideas, ideals and institutions upon which modern civilization is based, such as freedom and democracy, were first developed by the ancient Greeks.

Today, over 100,000 people of Hellenic descent thrive in Ontario. Ontario citizens of Greek descent continue to make significant contributions to the economic and cultural growth of Ontario and Canada.

In honour of Hamilton's Greek community's 50th anniversary and in recognition of all people of Hellenic descent living in Ontario, the bill would proclaim March 25 as Hellenic Heritage Day.

ORAL QUESTIONS

ACADEMIC TESTING

Mr Dalton McGuinty (Leader of the Opposition):

My question is to the Premier. Premier, when you were running for your job, you made some very deliberate statements about the private school tax credit. You said the fact that there was no accountability on the part of private schools for the public money they were about to receive was, to use your word, ludicrous.

I have here a memo to your Minister of Finance and it says that you are backing off even the meagre standards you were going to enforce for the private school tax credit. Instead of the standardized test that we use in public schools, your plan "would result in a lesser standard of a test per se and therefore would not deliver the same calibre of accountability."

All of Ontario knows where I stand when it comes to your private school tax credit: we will cancel it and we'll invest the money in public education. We know where you stand in terms of being in favour of the private school tax credit, but can you tell us, Premier, why private schools receiving public money should not be subject to the same standardized tests as public schools?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): The leader of the official opposition asked several questions there and made several statements, so I'll try to deal with each of them.

With respect to where he stands, no, the public doesn't know where you stand. In the Canadian Jewish News of December 17, 1998, you're quoted: "Opposition leader Dalton McGuinty told Ontario's Jewish leadership that he had no ideological opposition to ensuring public funds to support Jewish day schools. It is believed that this is the first time any provincial party leader has made such a declaration." Then, Dalton McGuinty of June 17 of this year: "Liberal leader Dalton McGuinty meanwhile is urging the government to cancel the private school tax credit introduced in last year's budget."

For your statement that the public knows where you stand, you stand wherever it's convenient, depending on what audience you're talking to at that particular time on that particular day. Where we stand is on equal opportunity for every student in Ontario.

Mr McGuinty: Premier, since you would appear to be the last person left in Ontario who understands so little, I'm going to give you a copy of our Excellence for All plan. I'll ask one of the pages here. Grant, you might take this to the Premier.

I strongly recommend that you take the opportunity. There are some very good ideas about supporting public education.

This, further, from the memo summarizing the rigorous testing standards that our Premier would impose on private schools for the public money he insists on giving

to them: "The Premier does not want finance to prescribe a testing approach for private schools." I go on: "We need something that is flexible and something that the independent schools will agree with. The Premier's office indicated that this could be as many different types of tests as we have independent schools."

Premier, again, I will cancel the tax credit. No strings or standards will save it. You, sir, are doing nothing more than catering to special interests at public expense. Why are you allowing special interests to dictate your standards?

Hon Mr Eves: I'm not going to comment on what some staff person speculates he thinks somebody told somebody that I might have thought. But I will tell you what I have said very directly to the director of communications of the Ontario Alliance of Christian Schools in a letter of February 19 of this year.

"As I travel the province, most supporters of independent education tell me that it is very important to measure how our children's education is progressing in the critical core subjects of reading, writing and arithmetic. For that reason I am supporting"—this is my letter, this is what I think—"measuring the progress of students in both public and independent schools. This can be accomplished in different ways and I would look forward to discussing this with you in detail."

Now, we know where I stand. We don't know where you stand. In 1998 you stood on one issue, in 2002 you stand on another side. But we do know where your member for St Paul's stands. He says, "I can't suck and blow on the tax credit. I've got to support this. This is a step in the direction of equity." Exactly, and you should get on board with your member for St Paul's.

Mr McGuinty: Premier, you are spending more time on the fence on this issue than John Snobelen spends on a horse. At least John Snobelen has the benefit of a saddle. It must be very painful for you, sir, to spend all that time on the fence.

Public schools are in trouble. Students are struggling, schools are closing and teachers are leaving. The record speaks for itself. I've got a plan to fix and improve our schools: smaller class sizes, kids learning until 18, and better and more learning opportunities for our teachers. I will cancel the private school tax credit and invest that money in public education. Your own confidential cabinet document shows that you cannot be trusted. You say one thing publicly; internally, you give different instructions to your own cabinet minister. Premier, how can you continue to sell out all those students, in fact the 96% of Ontario students who find themselves in our public schools?

Hon Mr Eves: The leader of the official opposition knows very well that the supposed memo he talks about is not an official cabinet document. I'm sure you would want to do the right thing and correct the record.

Interjection.

Hon Mr Eves: You are really grasping.

The leader of the official opposition might want to get inside with some of his own caucus colleagues. We've talked about where the member for St Paul's stands.

With respect to the member for York Centre: "I've always supported it. As a matter of fact, I've advocated it for 16 years, since before the last election; I sponsored a rally outside Queen's Park. We had 5,000 people in support of that position, and there's the real issue of discrimination." I couldn't agree more.

Your honourable member has also said, "I'm not thrilled with the idea that we're going to repeal the tax credit."

ENVIRONMENTAL PROTECTION

Mr Dalton McGuinty (Leader of the Opposition): I would suggest there's a lesson there, Premier, when it comes to strong leadership.

My next question is also to the Premier.

Today, after months of bobbing and weaving, hopefully the people of Ontario will learn where their government stands on the Kyoto accord. Later this afternoon, the Legislature is going to debate an historic resolution, one introduced by our caucus. It reads as follows: "The Legislative Assembly endorses the ratification of the United Nations Kyoto Protocol in Canada." Premier, it's time you climbed down off that fence. How are you going to vote, how is your government going to vote, on this historic resolution?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): This government is not in favour of the technical interpretation of the Kyoto accord, and neither is the federal government of Canada.

Mr McGuinty: Those splinters have got to be painful, Premier. They've got to be causing you some significant pain. You look at the Kyoto accord and all you see are problems. I look at the Kyoto accord and I see a tremendous economic opportunity for our province. I see high-paying, high-skill jobs.

1410

Progressive, visionary governments around the world are rushing to embrace the very important economic shift away from fossil fuels to cleaner sources of energy. You've got a choice, Premier. You can stay with the Flat Earth Society or you can join Ontario families—and by the way, you can join companies like BP, Shell and DuPont, which have been busy reducing their greenhouse gases and making more profits. Where would you like to take us, Premier? Will you take us to a bright future or a bleak one mired in the past?

Hon Mr Eves: The leader of the official opposition proves exactly the point. These firms he just rhymed off were doing this without and before the Kyoto accord was even thought of. His idea of a bright future is to willy-nilly follow some technical wording that even the federal government admits is flawed and has no intention of following, and he's going to put 450,000 Ontarians out of work in the process. If you want to talk about the Flat Earth Society, you're a charter member.

Mr McGuinty: Premier, the difference between DuPont, Shell and BP and your government is that those companies had the benefit of strong leadership that em-

braced economic opportunities to be found in the future. That's the difference between them and you.

Let's talk about renewable energy. Unlike you, I've got a plan to bring those new jobs to our communities. I will ensure that 10% of our electricity comes from renewable sources. That's a powerful incentive to bring those jobs of the future here.

Let's talk ethanol now. Agriculture is one of the most important industries in our province. My plan to require that all gasoline contain 10% ethanol is going to clean up the environment and create thousands of new farm jobs.

Let's talk about conservation. My conservation plan is going to help save the environment and help consumers save money on their electricity bills, something I know you know very little about.

Premier, when are you going to get it? It has to be, it must be win-win when it comes to the environment and the economy. When are you going to do the right thing on behalf of business and the Ontario environment and stand up for the Kyoto accord?

Hon Mr Eves: The leader of the official opposition has a plan all right; he has a plan to black out part of Ontario by shutting down certain plants before there are other sources of energy to take over.

We over here on this side of the House came up with the Drive Clean program, which has reduced emissions from vehicles by 25%, something you and your member for St Catharines, although he chattered a lot about it when he was Minister of the Environment, did absolutely zip about. We have set goals and they are being met by OPG and others. And those companies he talks about are taking those steps because they are the right thing to do, exactly as the province of Ontario has done for many years.

Your plan is to put 450,000 people out of work. Our plan has already created 955,000 jobs in Ontario.

KYOTO PROTOCOL

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Ralph Klein, the Kyoto killer, wants you to join his gang. It seems you're ready to kill Kyoto and ride off with Klein and Chrétien, leaving Ontario citizens choking on more smog and global warming. Tell us again, Premier, why are you, Klein and Chrétien so ready to put the kibosh to Kyoto?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I want to say to the leader of the third party that at least he understands the Prime Minister has no intention of implementing the Kyoto accord as it's drafted because he understands it's unworkable and would put hundreds of thousands of Canadians out of work. I would say to the leader of the third party that I'm sure your friends in labour unions across the province and across the country would not want to put literally hundreds of thousands of people out of work by signing on to an agreement that is unworkable.

What Ralph Klein has proposed for Alberta, as I understand it, is a plan he thinks is appropriate for his

province. I would suggest to the honourable member that every single province is different. They all have different economies. All we've ever asked for is an opportunity to sit down with the Prime Minister of Canada and propose a plan where we can reduce greenhouse gas emissions and not lose hundreds of thousands of jobs at the same time.

Mr Hampton: Premier, I've spoken with some of those trade unions. They want you to get on board with Kyoto, because they've talked with other trade unions elsewhere in the world which acknowledge that you can actually create jobs by moving to counter global warming.

If you don't act, global warming will get worse. You're inviting killer smog, deadly heat and more global warming, more climate change. And your scheme of hydro privatization will make things worse because it means burning more dirty coal. It's high noon for global warming. Do you support Kyoto or do you support Klein?

Hon Mr Eves: We agree that you have to act and act now. We have been acting and we will continue to act. Indeed, as the member of the official opposition has pointed out, many private enterprises are already doing this. We should be acting, as Ontarians and as Canadians, to reduce greenhouse gas emissions.

That is not the subject of debate here. The subject of debate is, is the best way to do it the highly technical interpretation of the Kyoto accord? By everybody's admission—even the Prime Minister of Canada's—except for the leader of the official opposition, it's unworkable in its current form. We have to find a made-in-Canada solution to lead the way in greenhouse gas reductions while at the same time protecting, in fact I would argue creating, hundreds of thousands of new jobs.

Mr Hampton: Premier, it's obvious from your comments that you've already swallowed everything that Ralph Klein has had to say. Take a trip to Norway or Sweden or anywhere in western Europe and look at the changes that are already being implemented, changes that are creating jobs—a whole new industry in terms of wind turbine power—and paper mills that have lowered their emission of greenhouses gases. They're not talking about privatization and burning more coal. They're already implementing Kyoto.

Why have you swallowed Ralph Klein's arguments hook, line and sinker, and ignored all of the arguments from the rest of the world? Why are you following Klein and ignoring all of those countries in western Europe that clearly are already two and three years down the road in terms of implementing Kyoto?

Hon Mr Eves: Ontario, and Canada for that matter, all of Canada, have led the way in greenhouse gas reduction. We have led the way. We on this side of the House actually provided for independent operators and generators of power to come on the grid, which your government steadfastly for five years would not allow to happen. So don't lecture us about wind turbines when your government wouldn't allow one single new pro-

ducer of electricity to come on the grid. What kind of leadership is that? I'm glad we didn't follow you off the edge of the cliff like a bunch of lemmings.

ACADEMIC TESTING

Mr Howard Hampton (Kenora-Rainy River): Premier, it has emerged that you're letting private schools set their own test for qualifying for over a half-billion dollars of private school tax credits. Across Ontario you're creating a growth industry of private schools fuelled by public money with no strings attached.

Why have you created a testing mania for public school teachers and students but you let private schools get off scot-free?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Perhaps the leader of the third party wasn't listening earlier in question period when I read out the text of my letter of February 19 of this year to the Ontario Alliance of Christian Schools.

Mr George Smitherman (Toronto Centre-Rosedale): Just read the last line.

Hon Mr Eves: Read the last line? To the members opposite and to the leader of the third party, every school system is different. The important thing is whether you can measure the progress of students in the important areas of reading, writing and arithmetic—basic skills. I see no reason why you can't accomplish those goals and sit down with different schools throughout the system and make sure that every student in the province of Ontario is qualified and has an equal opportunity in education.

1420

Mr Hampton: Premier, if you're a public school student in Ontario, you are the subject of a \$50-million testing bureaucracy which insists that everybody write the test on the same day, under the same regimen. But if you're a private school and you get money from the private school tax credit, they're completely different rules. In fact, it doesn't appear as if there are any rules at all.

I ask you again, why are public schools subjected to a testing mania but your private school friends can organize it any which way they want? Why the double standard?

Hon Mr Eves: Talking about double standards, the leader of the third party is against testing students in the first place, and now he's there arguing that everybody should have the same test.

MEMBER FOR MISSISSAUGA WEST

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Premier, the leader of the government. Mr Premier, it is widely reported in today's press that you are expected to have had, or to have, a meeting with Mr John Snobelen, MPP for Mississauga West, today to discuss how he intends to discharge his public responsibilities, for which he is paid, as all members of the Legislature are, \$82,757.

Can you indicate to this Legislature, Mr Premier, whether or not you have had that meeting, and if the meeting has occurred, whether or not you intend—and have accepted his resignation?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Whom I choose to meet with during the course of a day, especially if it's with a member of my own caucus, quite frankly is none of your business.

The Speaker (Hon Gary Carr): Supplementary?

Mr Conway: Well, a supplementary—

Interjections.

The Speaker: Come to order. The Premier had quiet for his answer. The member?

Mr Conway: Mr Premier, I'm trying to imagine taxpayers in Orangeville or Parry Sound or Pembroke reading the papers today and faced with this situation, particularly from a Conservative government led by Ernie Eves, late of the Common Sense Revolution, which was all about taxpayer responsibility and accountability and citizens' responsibility. We've got a situation, apparently, where a Conservative member of the Legislature, who is being paid \$82,757 a year, wants to spend his time in a foreign country while accepting \$82,000 of public money from the people of Ontario. If Mr Snobelen wants to be in Oklahoma, the people in Orangeville, Parry Sound and Pembroke would say, "Let him resign and go to Oklahoma." But you, as the leader of his party and leader of the government, surely must do one of two things: ask for and accept his resignation, or demand a work plan from our friend the member from Mississauga West which would justify the people of Ontario paying \$82,757 for his salary.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Mr Speaker: I would just ask if you—

The Speaker: If I had, I would have jumped up, but he didn't talk about his attendance in the House. Premier?

Hon Mr Eves: Mr Speaker—

Interjections.

The Speaker: Order. Thank you very much. I will make the decisions. We don't need any comments on it. Whoever yelled it out, I would appreciate it if you wouldn't do that. We're going to have a good debate between two fine members here. People want to hear the Premier. We've got a member asking a good question. They don't want to hear the rest of you; they want to hear the two people who are asking the questions. Premier?

Hon Mr Eves: Mr Speaker, there are many members of the Legislature who are absent at various times for various reasons, including the honourable member himself, I might add, from time to time, and including myself. All of us have various reasons why from time to time we are not in our chairs during question period or while the Legislature is sitting.

Talking about a double standard, the way our system of government works is that people in each constituency elect who they think is the appropriate representative in

each election or by-election, as the case may be. There's an appropriate accounting for that, of course, when that individual comes up for re-election from time to time.

But I would urge the members of the official opposition to tread kind of lightly before they start going down this path, because their leader of course introduced a mandatory two-thirds-attendance-for-question-period plan, and according to the records we've been keeping, about 30% of your members don't meet your own qualifications.

Interjections.

The Speaker: Order. The member for Scarborough Centre now has the floor.

VICTIMS OF CRIME

Ms Marilyn Mushinski (Scarborough Centre): My question today is for the Attorney General. It's about an issue of very serious concern to my constituents in Scarborough Centre. There's been a great deal of media coverage recently about the Internet and the exploitation of children. In particular, there have been very disturbing stories about how the Internet has led to an increased prevalence of child pornography.

Clearly, protecting children from exploitation is one of our most important responsibilities in this House, and a major priority of mine, as you know. I'm very pleased our government has put record investments toward child protection and toughened the laws around abuse and neglect, but certainly we must do more. Last week you made an announcement with regard to Internet child pornography. I'm wondering if you could tell this House how this action will help to combat the tide of child pornography on the Internet and protect children from sexual exploitation.

Hon David Young (Attorney General, minister responsible for native affairs): I would like to thank the member, not only for the question but for the fact that she has been a tireless worker in relation to protecting victims across this province. In relation to this particular initiative, which she spoke about a moment ago, I want to say that this has happened largely because of her work. She has come forward and has advocated on behalf of victims across the province, in this case, some of the youngest and most vulnerable people.

We live in a time where technology is causing our society to change, in many respects in very positive ways, but there are some greater challenges for law enforcement now. That's why I was so pleased to step forward on behalf of the Ernie Eves government, with representatives of the Toronto Police Service, and talk about a new initiative, an innovative measure that will allow for the purchase of additional computers, will allow for the hiring of additional officers. It's to stop those who are using the Internet to lure children and to engage in activities that are, frankly, disgusting.

Ms Mushinski: Thank you for that response. It's certainly a welcome step that more resources are being directed toward protecting children from sexual exploita-

tion. I've heard very strongly from my constituents that we must always be mindful that the voice of the victims always be heard. Our justice system must always work to balance the rights of the accused with the interests of the innocent victims. I know that one way the government has worked to achieve this goal is through the victims' justice fund. Minister, I wonder if you can tell me what investments you have made recently from the victims' justice fund, and also explain the range of people for whom these services will provide much-needed help.

Hon Mr Young: This government has moved forward on a number of different fronts in relation to protecting victims across this province. The domestic violence strategy that we announced very recently has supplemented the government's rather substantial spending in this area with a further \$12.6 million to help police and crown's better understand this very challenging area.

We've also come forward with an elder abuse strategy that exists nowhere else in the world, one that has been applauded internationally, one that will likely serve to end the abuse of many of our senior citizens across this province, abuse that sometimes involves financial matters, sometimes emotional, sometimes physical. We have a victims' support line in place, and victim/witness assistance programs throughout the province. We're very proud of that, and the Ernie Eves government will continue to work to protect victims wherever and whenever we can.

1430

TORONTO WATERFRONT

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Premier and has to do with the Minister of Finance memo that became public yesterday. I might add, it looks a little bad on you. Five months after you became Premier, it's pretty clear that cabinet didn't know who was responsible for the waterfront file. In the memo it points out that while Minister Hodgson thought he was in charge of it—and this was in the middle of September, five months after you became Premier—he wasn't going to do anything until he got some written confirmation of that. In fact, the Ministry of Finance said they have several letters that were supposed to be being signed on this, important matters that weren't being dealt with.

My question is this: it seems strange that not only were decisions not being made, you hadn't even appointed the person to make the decisions. What was going on here? Why couldn't you at least have made the decision on which cabinet minister you wanted to be in charge of the waterfront file?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): First of all, it's not a Minister of Finance memo. It's an opinion of a staff member and some suggestions of a staff member to a minister.

Members on all sides of the House will know that all the time that I was Minister of Finance under the Mike Harris government, I was in charge of the waterfront file. Minister Flaherty, when he was Minister of Finance, was

in charge of the waterfront file. Minister Ecker, since she's been Minister of Finance, is in charge of the waterfront file. Nothing has changed. Our commitment is there in the \$500 million for regeneration of the waterfront, and there's \$500 million from the federal government and \$500 million from the municipal government.

Mr Phillips: The problem with that is that the problem is you. The memo points out that "We need confirmation ASAP" on who's the lead on the waterfront. There are letters that need to be signed on this. The board could be moving ahead. It points out that nothing's happening on it. A decision was urgently needed by you, and you couldn't seem to make up your mind who was in charge of it.

Unless you're saying this memo is just simply incorrect, the question is, what in the world were you doing? You've been Premier for five months. The waterfront is a huge issue for the city of Toronto and you couldn't even seem to make up your mind who you wanted to be in charge of it. Can you give us some hint of what was holding you up for five months in making the simple decision, signing the letter and at least letting some minister get on with making decisions? Why couldn't you make that decision after five months?

Hon Mr Eves: There is no letter required by me to do any of this stuff. If that's somebody's opinion, then unfortunately that's their opinion, but that has nothing to do with the fact. The fact is, it was the Minister of Finance while I was Minister of Finance for six years and for the year-plus that Mr Flaherty was Minister of Finance, and while Minister Ecker's been the Minister of Finance she has been in charge of the waterfront file.

SMALL BUSINESS

Mr Bert Johnson (Perth-Middlesex): My question is for the hard-working, energetic and highly effective Minister of Enterprise, Opportunity and Innovation from Whitby-Ajax. Minister, our province's economy and my riding's economy rely heavily on the success of small business. To recognize Small Business Week, the Community Futures Development Corp of Middlesex county has been running seminars in Komoka on such topics as advertising, employee retention and exporting for small business operators, each and every day this week, starting at 7:30 o'clock in the morning.

I'm concerned that the small business owners attending these seminars face too many obstacles to running a profitable operation. Can you tell me what the Ontario government is doing to ensure that our small businesses are strong and profitable?

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): I thank the honourable member for Perth-Middlesex for his incisive and thoughtful question.

This is Small Business Month in Ontario. It's Small Business Week this week across most of the province. I had the pleasure earlier this week of speaking with the Whitby Chamber of Commerce and earlier this month

with the Canadian Chamber of Commerce in London, Ontario.

Small business is big business in Ontario. Almost half the jobs that have been created in Ontario since 1995 have been created by small business, that is, businesses with fewer than 50 employees in the province, and that's half of almost one million net new jobs in the province in the past seven years.

More than 90% of Ontario's businesses are in fact small businesses. They ask for a solid foundation. They ask for reductions in taxes, they ask for less red tape—and we've reduced the regulatory burden by more than 1,900 regulations in the province—balanced budgets, and a welcoming attitude toward investment and entrepreneurship.

There is help available. We have 41 small business centres across Ontario—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. Supplementary.

Mr Johnson: Thank you very much, Minister. I know this government's efforts to remove barriers to business are appreciated by my constituents. I want to remind everyone here and you, of course, that I consider most of the thousands of farms in Perth-Middlesex as small businesses.

Minister, I understand that small business in Ontario accounts for nearly half of the 987,000 jobs created since 1995. As a matter of fact, you and I both remember the opposition benches shouting, "Where are the jobs? Where are the jobs?" starting in September 1995 and continuing for a year or more. I haven't heard that chant lately, because it was estimated in the Common Sense Revolution document that we would help businesses create 750,000 jobs.

Entrepreneurship is obviously a driving force in our economy. What is our government doing to promote skills training that will encourage entrepreneurship?

Hon Mr Flaherty: We have a wonderful strategy in Ontario called the young entrepreneurs strategy, which applies not only to urban Ontario but of course to rural Ontario and to the strong rural community represented by the honourable member for Perth-Middlesex.

This includes future entrepreneurs, a program for young people in grades 7 and 8 which is being assisted by the excellent teachers who are helping us and the mentors in the community, so that young people in grades 7 and 8 who are bright-eyed and have great ideas can see that that's a viable career option, that it's a choice for them to be entrepreneurial, to put their ideas into action in Ontario. Then, as teenagers, through the Summer Company program, there is assistance of \$1,500, mentoring by entrepreneurs in the community so they can create their own summer businesses.

There are many success stories across the province. There is yet another program for young people 18 to 29 years of age where they can also get government assistance to get their own entrepreneurial businesses going. It's a great success story in Ontario.

SOCIAL ASSISTANCE

Mr Tony Martin (Sault Ste Marie): My question is for the Premier. Premier, can you tell me how anyone can be expected to live on \$520 a month?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): We all have people who are in difficult situations in Ontario and I believe it is incumbent upon all of us in society to do what we can to help the most unfortunate.

Mr Martin: Premier, my question was clear and precise: how can anyone live on \$520 a month?

I just came back from the Kimberly Rogers inquest. Kimberly is just one example of many people who end up needing social assistance to get through a bad time, for whatever reason. That assistance should cover what a person needs to survive, but it doesn't even come close.

Your government has cut social assistance so much that no one can live on it and, then, if they mess up, you cut them off completely. Your welfare policies forced a pregnant woman to stay locked in her house without any income. This is beyond inhumane.

Premier, will you raise social assistance rates to cover the minimum cost of living and at the very least will you end your government's inhumane lifetime ban?

Hon Mr Eves: I do not feel it is appropriate to be talking about an inquest that is ongoing in Ontario. I think you should let the inquest do its job, and we certainly will be very cognizant of any recommendations that come out of it.

1440

SUPPLY TEACHERS

Mr Dominic Agostino (Hamilton East): My question is to the Minister of Education. Minister, on Monday night in Hamilton, your hand-picked, appointed supervisor cut 40% of the budget for supply teachers from the Hamilton board of education as compared to last year. Not only did he unilaterally make these cuts, he also tried to hide these cuts. He tried to keep them out of the public domain. In a memo to the chair of the board, he said, "Remove the topic from both agendas. I do not want it discussed by the trustees at this time." He goes on to say, "My decision stands. If you want to make an issue of it ... that is your choice.... It certainly is not as big an issue for the public domain as you make it out to be."

This is a 40% cut in supply teachers. This is going to impact kids in the classroom every day. This is going to impact the ability of kids to grow and function. This is going to impact the value and quality of education. Do you think it is appropriate, Minister, for your hand-picked supervisor to make these decisions and then make an effort to keep this from the public?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I think it's really important to keep in mind that the supervisor in Hamilton is making decisions after a tremendous amount of consultation with parents and staff. You need to recognize that the recommenda-

tions coming forward are recommendations that have been very carefully considered by the staff. Certainly, all that is happening is in the best interests, in order to continue to provide stability and enable the students to achieve success within the system.

Mr Agostino: Minister, you didn't answer the question in regard to why he went about it the way he did.

I want to ask you about the cuts specifically. This is now 40% fewer classroom teachers when it comes to replacement, when it comes to teachers who are absent, when it comes to teachers who are ill and you need someone in the classroom. According to the board report, this is going to impact things such as in-school activities, inter-scholastic programs, school trip coverage and literacy programs. This means that as a result of these cuts, the kids who are in special literacy programs for reading and writing will not be given a supply teacher when their teacher is away.

This is the harsh reality of decisions you have made. It's not your supervisor, Minister. You appointed Mr Murray and you appointed yourself chair of the board. Now you have to be held accountable for the fact that kids in Hamilton are going to go without classroom teachers when their teacher is sick or off on a school trip with other kids or in some other activity they are required to do.

Minister, explain to me: do you agree with this and do you guarantee to every single child in Hamilton that when their teacher is away, there will be a replacement teacher in the classroom that day?

Hon Mrs Witmer: It's important that the member opposite take a look at what really happened. Maybe I'll share some facts with you.

In 2001-02, the use of supply teachers in the Hamilton-Wentworth DSB was considerably higher than expected. In fact, the actual cost increased by 50% compared to what the board had budgeted for. So the supervisor took a look at the problem. He asked the staff for recommendations, and the recommendations include proposing to increase, by the way, the supply teacher budget by about 26% over 2001-02, to better reflect the actual cost of supply teachers. Second, he wants to take a look at a program that can help reduce the demand for supply teachers. So he wants to address the issue and he's providing 26% more money this year than last year.

URBAN STRATEGY

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question is for the Associate Minister of Municipal Affairs and Housing responsible for urban issues. Coming from the predominantly urban riding of Bramalea-Gore-Malton-Springdale, I am pleased to hear the dialogue coming from this government concerning the vitality of urban centres across this province. I believe it is important for those who live in urban areas to be assured that we, the Conservative government, have invested in strong municipalities and that we remain globally competitive in the 21st century.

This government has demonstrated its commitment to cities through its responsible funding decisions and sound policy initiatives. Minister, please tell the House specifically what we are doing to ensure our cities are a place where the people of Ontario will be able to live, work and raise their families.

Hon Tina R. Molinari (Associate Minister of Municipal Affairs and Housing): I want to thank the member from Bramalea-Gore-Malton-Springdale, who works very hard for his community, for the question. This is an important issue to address and I'm pleased to have the opportunity to address it here, not only for the member's riding but also for the province of Ontario.

This year at the AMO conference, Premier Eves emphasized the need to respond to the challenges facing cities across this province in urban centres. He highlighted how we are addressing these challenges through a number of initiatives, including Smart Growth and the memorandum of understanding.

Our government has also taken a number of steps to strengthen the municipal sector: the new Municipal Act, local services realignment, and the brownfields legislation. These are all intended to give municipalities new flexible tools to encourage local economic development and improve municipal revenues.

My colleague the Minister of Finance stated during the budget speech that we are willing to join—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up.

Mr Gill: Minister, I'm happy to hear that you are personally visiting other municipalities to better understand this issue. I'm very happy to hear that our government's commitments have been followed by action.

Recently the federal government laid out its plan for Canadian municipalities in its throne speech. I must say that I was encouraged by the direction that was taken to ensure that our cities remain globally competitive. Minister, you have been meeting with people across the province. Tell me, are they encouraged by the federal throne speech and the federal Liberal promises, or are they just like other federal Liberal promises, for example, eliminating the GST?

Hon Mrs Molinari: We are encouraged by the direction the federal government has given in the throne speech. Our government agrees that continued competitiveness for its urban centres is crucial, very important. We are pleased that the feds have also clearly recognized what we the province have been saying all along, and that is that the feds have to take a significant long-term responsibility in helping municipalities to deal with their infrastructure challenges.

We will continue to demand that the federal government play a greater role as a full partner to help fund infrastructure needs that are coordinated and to co-operate with the provincial government and the municipalities. Our government looks forward to working in partnership with the federal government once they make that long-term funding guarantee to the municipalities.

At this point we cannot overlook the need to address the fiscal imbalance between the provinces and the feds.

Any new deal for cities requires a new deal between the federal government and Ontario to restore the balance between revenue and funding responsibilities at all levels of government.

EDUCATION FUNDING

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Premier. I want to ask you about things you've said over and over again in the Legislature and elsewhere about all the problems in education. You've been hiding behind the Rozanski commission every time you've been asked about a variety of issues confronting students. Yet we find out that the Premier has already given direction, has already predetermined how much money he's prepared to put into any needs in education this year.

Premier, I want to ask you very simply, how can we believe you when it comes to education when you've already decided ahead of time that there's only a certain amount of money you're prepared to put into education, before Dr Rozanski has even reported about the problems that exist in education? Can you tell us that?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Nothing could be further from the truth. First of all, I have been consistent in acknowledging throughout our party's leadership campaign—about a year ago now that started—that we had to have an immediate review of the funding formula, which is ongoing, which Dr Rozanski is doing.

We understood that there were some pressures in the system that had to be addressed, and we addressed them, I think very substantially, by putting an additional \$557 million in the system this year.

We await Dr Rozanski's report and we'll see what he suggests and recommends, because somebody is musing that we might continue increasing year over year the education budget by half a billion dollars a year. Would that everybody had the money to do that. That, to me, would indicate a very substantial commitment to public education in this province as we go forward, and much larger than your leader is suggesting, I might add.

Mr Kennedy: The Premier may think that shows a substantive commitment. But he knows, and his Minister of Finance and the Minister of Education should know, that the money they're talking about is enough for inflation and enrolment. It doesn't touch the \$2.2 billion you've allowed to come out of the education system in the cuts you've made.

All around the province and here in this House on September 26 you said you're waiting for Dr Rozanski's report to make "a further commitment." You said you'll take "further action" at that time. It's clear from that memo and your statement just now that you intend to only give base amounts to education, that you have no money put aside to actually deal with the problems that you've created.

1450

Out there are parents who have been hoping against hope that the Harris-Eves governments might be in for a

bit of a change. Premier, you have a way to prove this differently. Today, commit to making changes in-year. Dr Rozanski recommends, as many parents are demanding, changes right now. Tell us that you'll fund those appropriately.

Hon Mr Eves: First of all, on this side of the House we have increased commitment and funding to public education from \$12.9 billion to \$14.36 billion. I know that Liberals are not very good with math; we saw that with the massive deficits and debts that you left behind. I will tell you this: the musing that was in that memo is far, far in excess of what your leader is committing in his little plan. His little plan is \$1.6 billion over the next five years. We are talking over here about \$556 million for this commitment. He's talking about a commitment that's between \$300 million and \$400 million a year. How can you stand in your place and suggest that we have not put substantial money into the public education system? We have asked Dr Rozanski—

Interjection.

Hon Mr Eves: Enrolment went up this year by 0.8%.

POLANYI AWARDS

Mr John O'Toole (Durham): My question is to the Minister of Training, Colleges and Universities. Minister, as you know, a university's first function is to educate their undergraduate students. Yet another very important contribution that universities make is indeed in research. Researchers, as you know, are working today to make discoveries to ensure our quality of life and to improve the future for our young people.

Minister, you will soon be honouring the recipients of the 2002 Polanyi awards, prizes to recognize outstanding research. Can you tell the House and share with those listening today about these awards and how they recognize outstanding young researchers' work in Ontario universities?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): It's always a pleasure to answer the questions from the member from Durham, who cares so much about young people.

This is a special prize in Ontario. John Polanyi prizes are awarded every year in recognition of the achievement of Dr John Charles Polanyi, our Nobel laureate, University of Toronto winner of the 1986 Nobel prize in chemistry for his work in reaction dynamics.

These prizes are worth \$15,000, and they're awarded every year to exceptional young researchers in the early stages of their career who are currently working at an Ontario university. They're awarded in the same fields as the Nobel prizes—medicine, economics, physics, literature and chemistry—and we'll be honouring our recipients on November 13 at Massey College at the University of Toronto.

Mr O'Toole: I'd like to thank the hard-working minister for her answer. Minister, by recognizing Ontario's best and brightest young researchers we are indeed

recognizing the future of all Ontario. At this point it's important to mention that I want to thank you personally for the work you've done in moving forward with creating for all Ontario the University of Ontario Institute of Technology in Durham. This is further evidence of your commitment to improving the lives of all Ontarians.

I understand that the winners of this year's Polanyi prizes have already been chosen. Can you tell the House—this might be inappropriate to ask and to name—the researchers who are going to receive these awards and be recognized next month?

Hon Mrs Cunningham: It is an honour for me to do so. We are pleased to inform the House that the winners of the 2002 Polanyi prizes are Jeremy Yethon, from McMaster University, in medicine; Thomas Crossley, again from McMaster University, in economic science; Alison Sills, again from McMaster University—they're doing a great job; they've got enough money to get all these people in the Nobel laureate category here; Alex Adronov, again from McMaster University, who won the award for chemistry; Juan-Luis Suarez, from the University of Western Ontario, who won the award for literature for his study of baroque Spanish drama.

These young researchers who we're so proud of have been encouraged by our own challenge fund, which is \$800 million, leveraging over \$2 billion in our universities; the Ontario Innovation Trust, over \$1 billion; and finally, our Premier's Research Excellence Awards, \$85 million over 10 years. It's never been better—

The Speaker (Hon Gary Carr): Thank you, Minister.

FOREST INDUSTRY

Mr Gilles Bisson (Timmins-James Bay): My question is to the Minister of Natural Resources. Minister, you'll know that for the past number of weeks I've been working to try to do something about the terrible job losses that are going to happen in Kirkland Lake as a result of the Tembec mill closure that's announced because of the decision by your ministry.

You know that for that community, that particular mill going down is akin to a community like Timmins losing its major employer such as Falconbridge. I think you'll agree with me, as all members of this House do, that to lose those 80 jobs is a piece of news that Kirkland Lake just can't afford.

You know we've set up a number of meetings. You'll be meeting with IWA representatives this afternoon. We'll be meeting again tomorrow with representatives from the community of Kirkland Lake. They're coming forward with some proposals to look at how we can avert these massive layoffs we're going to see in the community of Kirkland Lake.

My question is a very simple one: are you prepared as minister to review the decision of the Ministry of Natural Resources and to take seriously the proposals that the IWA reps and the community will bring forward to you today and tomorrow?

Hon Jerry J. Ouellette (Minister of Natural Resources): I know very well that the member has been very active on this file. As a result of yesterday's question, we have received a number of inquiries regarding the fibre in that area. Quite frankly, as all members know, any job loss at this sort of level in communities such as Kirkland Lake are very significant.

The ministry will look at the best interests of the workers, both in the forest and in the mill, the community, and the best interests of the forest itself, and will review all proposals that we receive regarding that fibre.

The Speaker (Hon Gary Carr): Supplementary?

Mr Bisson: I just want to thank the minister.

The Speaker: Very good.

LAND DEVELOPMENT

Mr Mike Colle (Eglinton-Lawrence): A question to the Minister of Municipal Affairs. You promised the people of Ontario that you would not allow the building of homes on the most sensitive areas of the moraine. As you know, this summer you passed a secret ministerial order that gave the unfettered right to developers to build over 8,000 homes in the middle of the moraine. Not only did you compensate them with the 8,000 homes, now you're going to compensate them with more land in Seaton that could be worth maybe \$500 million to these developers.

Mr Minister, will you table before this House the terms of this development deal that you made with these developers to give them the right for 8,000 homes and to give them public land in Seaton? Would you table that deal with this Legislature?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): To the member opposite, he's got a good reputation, but quite clearly he's totally confused on this issue. If you're not aware of what you voted for, what the Crombie accord entailed, I can try to arrange a meeting with David Crombie and yourself so you can get educated on the information if you so wish.

Mr Colle: It's about a deal you made secretly to give developers, for the first time in the history of this province, the unfettered right to build in the middle of the moraine 8,000 homes. You signed a deal also to give them even more land, which is public, in Seaton.

We representing the public have the right to know what you gave up and how much you paid for it. We told you to make this public when we discussed this legislation. You instead have made a secret deal. Why not put the deal on the table and let us see if the taxpayer got value for money? Let's see how much per acre you gave them, what it's worth to them. Put it on the table, or even give it to the Provincial Auditor.

Why are you afraid to make the deal public? Is it a bad deal? Is it a good deal? Make it public. That's all I ask.

Hon Mr Hodgson: Let's be clear here. This Legislature passed it, and you moved second and third reading. This creates the largest urban park on the Oak Ridges moraine, right in the prime corridor of Richmond Hill.

We couldn't find an on-site solution. In that accord that Crombie negotiated was an exchange of lands.

Your numbers are wrong. I've offered to get you educated by Crombie, who set up the accord. I know you walked all across the moraine. You supported the extension of the Keele Valley landfill site, which is located right on the moraine. You probably supported the selling of the jailhouse property for extra dollars so it could be developed on the Oak Ridges moraine. And now you question the whole thing you voted for in here.

The deal is transparent. Crombie's out holding public hearings. You've attended one; you know that. You're just playing cheap politics. I'm offering you an opportunity to sit down with David Crombie and get the facts so you can stop misleading the people of Ontario.

1500

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): On a point of order, Mr Speaker: I'd like to clarify the record. I said earlier in response to a question from the member for Parkdale-High Park that enrolment in the public education system went up by 0.8% this year. I am informed by the Minister of Education that the projected enrolment will only be 0.4% this year.

Hon Mr Hodgson: On a point of personal privilege, Mr Speaker: I'll withdraw that inappropriate comment about misleading the people of Ontario, but I still hold that I will offer a briefing with David Crombie for the member.

The Speaker (Hon Gary Carr): I thank the member for that. I didn't hear it, but I thank him for his generosity—

Interjections.

The Speaker: Come to order, please. Petitions.

PETITIONS

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): Our public is still very angry about the Ontario Energy Board approval for Union Gas of a \$120 retroactive charge. The petitions keep coming in. I'd like to read some more:

"To the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01, totalling approximately \$150 million;

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship;

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore, we demand that the Ernie Eves government issue a policy directive under section 27.1 of the

Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

Hundreds have come in. This is from Myles Penny in Thunder Bay. I am very grateful and I will add my name to this petition.

CUSTODIAL CARE

Mr Peter Kormos (Niagara Centre): I have a petition addressed to the Legislative Assembly of Ontario.

"The regional council of Niagara have presented to the social services minister the following recommended changes to the legislation:

"(1) That the province of Ontario amend the Child and Family Services Act to recognize custodial care by extended family members as a legitimate intervention and that the related funding to support these care arrangements be made available;

"(2) That the temporary care allowance rate pursuant to the Ontario Works Act be altered to reflect established rates for similar care by foster parents;

"(3) That the regional municipality of Niagara along with the Niagara Family and Children's Services train their respective staff on the program options available to extended family members wishing to care for children;

"(4) That the region of Niagara along with Family and Children's Services advocate for the recommended changes with the Ministry of Community and Social Services as well as relevant associations, such as the Ontario Association of Children's Aid Societies;

"(5) That other consolidated municipal services managers be informed of this issue through circulation of this committee report;

"(6) That the province of Ontario be encouraged to consider a legislative change to permit open adoptions;

"(7) That the regional chair correspond with the Minister of Community and Social Services to advise the minister of these recommendations;

"We, the undersigned support these recommended changes to the legislation."

I have affixed my signature as well in full support.

PHYSIOTHERAPY SERVICES

Mr Richard Patten (Ottawa Centre): I have a petition to the Legislative Assembly:

"Whereas the Canada Health Act requires that provincial health insurance plans extend to all insured hospital services on uniform terms and conditions and on a basis that does not impede or preclude reasonable access to those services; and

"Whereas such hospital services include out-patient services where medically necessary to maintain health,

prevent disease or diagnose or treat an illness or disability, including physiotherapy facilities; and

"Whereas the province of Ontario has recently funnelled \$60 million in federal health care funds to private health care providers, but has not reinvested the \$17 million taken from G-code clinic budgets and supposedly allocated for essential hospital based and publicly accessible physiotherapy services; and....

"Whereas this has resulted in the closing of out-patient physiotherapy clinics, which leaves the few remaining facilities with such unmanageable waiting lists that reasonable access no longer exists; and

"Whereas the only alternative for many individuals is to pay directly for treatment in privately-owned physiotherapy clinics; and

"Whereas for many Ontario citizens, this is not an affordable option;

"We, the undersigned citizens of Ottawa, where the average waiting list time for physiotherapy at ... hospital-based outpatient clinics is 6.8 months for all but the most urgent cases," want the Legislature and the government to "correct this situation by designating adequate funding for hospital-based and community health centre outpatient physiotherapy services so that waiting lists never exceed a reasonable period of four weeks."

I have the names of hundreds of citizens from Ottawa on this petition. I sign my signature as well.

CHILD CARE

Ms Shelley Martel (Nickel Belt): I have a petition that has been sent to me by Little Ark Day Care in Oshawa. It reads as follows:

"Whereas 70% of Ontario women with children under age 12 are in the paid workforce;

"Whereas high-quality, safe, affordable child care is critical to them and their families;

"Whereas the Early Years Study done for the Conservative government by Dr Fraser Mustard and the Honourable Margaret McCain concluded quality child care enhances early childhood development;

"Whereas this government has cut funding for regulated child care instead of supporting Ontario families by investing in early learning and care;

"Therefore, be it resolved that the Ontario government adopt the NDP's \$10-a-day child care plan and begin implementation by reducing full child care fees to \$10 a day for children aged two to five currently enrolled in regulated child care by providing capital funds to expand existing child care centres and build new ones, by funding pay equity for staff, and by creating new \$10-a-day child care spaces in the province."

I agree with the petitioners. I've affixed my signature to this.

CENTRES D'ACCÈS AUX SOINS COMMUNAUTAIRES

Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell):
« Pétition à l'Assemblée législative de l'Ontario :

« Attendu que dans la Révolution du bon sens de 1995, Mike Harris a promis d'instituer des pratiques budgétaires axées sur les patients dans le secteur des soins de santé;

« Attendu que les centres d'accès aux soins communautaires doivent maintenant collectivement faire face à un manque à gagner de 175 millions de dollars en raison d'un gel de leur financement par le gouvernement provincial;

« Attendu qu'en raison de ce manque à gagner dans leur financement, les CASC ont dû réduire les services de soins à domicile, ce qui a des répercussions sur bon nombre d'Ontariens et d'Ontariennes malades et âgés; et

« Attendu que ces réductions dans les services ont principalement été effectuées dans les services d'auxiliaires familiales, ce qui oblige les Ontariens et Ontariennes à recourir à des établissements de soins de longue durée plus coûteux ou à retourner à l'hôpital,

« Nous, soussignés, demandons à l'Assemblée législative de l'Ontario d'instituer immédiatement des pratiques budgétaires réellement axées sur les patients dans le domaine des soins de santé, et cela inclut les soins à domicile, de telle sorte que les familles de travailleurs et travailleuses en Ontario puissent avoir accès aux services de soins de santé dont ils ont besoin. »

OPTOMETRISTS

Mr Peter Kormos (Niagara Centre): I have a petition to the Ontario Legislature.

"Whereas the Legislative Assembly of the province of Ontario will be considering a private member's bill that aims to amend the Optometry Act to give optometrists the authority to prescribe therapeutic pharmaceutical agents for the treatment of certain eye diseases; and

"Whereas optometrists are highly trained and equipped with the knowledge and specialized instrumentation needed to effectively diagnose and treat certain eye problems; and

"Whereas extending the authority to prescribe TPAs to optometrists will help relieve the demands on ophthalmologists and physicians who currently have the exclusive domain for prescribing TPAs to optometry patients; and

"Whereas the bill introduced by New Democrat Peter Kormos (MPP, Niagara Centre) will ensure that patients receive prompt, timely, one-stop care where appropriate;

"Therefore I do support the bill proposing an amendment to the Optometry Act to give optometrists the authority to prescribe therapeutic pharmaceutical agents for the treatment of certain eye diseases and I urge the government of Ontario to ensure speedy passage of the bill."

I've affixed my signature as well.

AUDIOLOGY SERVICES

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): Although we've asked for petitions to stop

coming in on this issue, they continue to come. This is a petition on audiology.

"Listen: Our Hearing is Important!

"Whereas services delisted by this government now exceed \$100 million in total;

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions;

"Whereas new government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario;

"Whereas this new government policy is virtually impossible to implement in underserved areas across Ontario;

"Whereas this policy has lengthened waiting lists for patients and therefore had a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand this government move immediately to permanently fund audiologists directly for the provision of audiology services."

I, of course, once again affix my signature to this.

1510

CHILD CARE

Mr Peter Kormos (Niagara Centre): I have a petition provided to me by A Child's World on Elm Street in Port Colborne. It's a petition to the Ontario Legislature.

"Whereas 70% of Ontario women with children under age 12 are in the paid workforce;

"Whereas high-quality, safe, affordable child care is critical to them and their families;

"Whereas the Early Years Study done for the Conservative government by Dr Fraser Mustard and the Honourable Margaret McCain concluded quality child care enhances early childhood development; and

"Whereas this government has cut funding for regulated child care instead of supporting Ontario families by investing in early learning and care;

"Therefore, be it resolved that the Ontario government adopt the NDP's \$10-a-day child care plan and begin implementation by reducing full child care fees to \$10 a day for children aged two to five currently enrolled in regulated child care by providing capital funds to expand existing child care centres and build new ones, by funding pay equity for staff and by creating new \$10-a-day child care spaces in the province."

I'm affixing my signature and giving this to the page, Hin-Hey, from Markham.

LONG-TERM CARE

Mr Michael Gravelle (Thunder Bay-Superior North): A petition again containing comments related to the massive increase to residents of long-term-care facilities.

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"Therefore, we the undersigned petition the Legislative Assembly of Ontario as follows:

"We demand that Premier Eves reduce the 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing, support services, programming and personal care to adequate levels."

I'm very grateful again that these are coming in and I'm very happy to add my name to the petition.

AFFORDABLE HOUSING

Mr David Caplan (Don Valley East): I have quite an old petition that's recently come in. It's entitled Fair Rent Increases Now.

"To the Legislative Assembly of Ontario:

"Whereas the number of tenants receiving above-guideline rent increases is growing exponentially, and;

"Whereas many of these increases are for increases in utility costs, many of which have gone down since; and

"Whereas tenants should not have to pay for improvements forever, even when the costs have been realized by these rent increases; and

"Whereas the Tenant Protection Act"—so-called—"does not give a tenant relief due to the costs being realized or a drop in utility costs; and

"Whereas tenants should not be receiving rent increases where there are work orders issued for the building;

"Therefore be it resolved that we, the undersigned, petition the Ontario Legislature to immediately pass MPP David Caplan's Bill 134 entitled the Fair Rent Increases

Act at the earliest possible opportunity so that tenants can get relief from above-guideline increases once the bills have been paid."

I agree wholeheartedly with this petition and I have affixed my signature to it.

CHILDREN'S HEALTH SERVICES

Ms Shelley Martel (Nickel Belt): This petition has come in to me from S. Carcedo of Ottawa. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Ontario government is shutting down the heart surgery unit at the Children's Hospital of Eastern Ontario; and

"Whereas the closure of this program will restrict the accessibility to life-saving surgery for children in eastern Ontario; and

"Whereas every year the Children's Hospital of Eastern Ontario treats 140 cases of seriously ill children close to home; and

"Whereas centralization of children's heart surgery in Toronto would force patients and their families to travel 400 to 600 kilometres away from home at a traumatic time; and

"Whereas there is a waiting list for cardiac surgery in Toronto but not at the Children's Hospital of Eastern Ontario; and

"Whereas the people of eastern Ontario demand accessible, quality health care for their children;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately override the government's decision to close this life-saving program and to ensure that top-quality accessible health care remains available to every child in eastern Ontario."

I have affixed my signature to this.

LONG-TERM CARE

Ms Caroline Di Cocco (Sarnia-Lambton): "To the Legislative Assembly of Ontario:

"Whereas the Eves government has increased the fees paid by seniors, the most vulnerable living in long-term-care homes, by 15% over three years, or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year, effective September 1, 2002; and

"Whereas this increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for the year 2002; and

"Whereas, according to the government's own funded study, Ontario still ranks last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas the government needs to increase long-term-care operating funds by \$750 million over the next three years; and

"Whereas this province has been built by seniors;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually."

I affix my signature to this petition and the page is going to take my petition to the Clerk.

OPPOSITION DAY

KYOTO PROTOCOL

Mr James J. Bradley (St Catharines): I move the following:

The Legislative Assembly endorses the ratification of the United Nations Kyoto Protocol in Canada.

The Speaker (Hon Gary Carr): Mr Bradley has moved opposition day number 2. The member for St Catharines.

Mr Bradley: As I said earlier today in a statement in the House, I think this is a somewhat historic day for Ontario because this assembly will have an opportunity today to vote on the endorsement of the Kyoto accord, which was signed by some 83 countries in 1997 under the auspices of the United Nations.

The reason I say it is a historic occasion is that as I look down the history of the province, Ontario, its Premier, its cabinet and its Legislative Assembly have traditionally taken the lead in a positive sense on environmental issues. Whether this was the old government of Premier Robarts or Premier Davis or the Liberal government of Premier Peterson or the NDP government of Premier Rae, it was always expected at federal-provincial conferences that Ontario would take the lead to ensure that progressive measures were passed across the country. Our role at the federal-provincial conference was to cajole, encourage, persuade and, yes, sometimes even pressure other provinces to work with the federal government to bring about positive environmental change.

1520

One example I think of as a classic was the federal Conservative government under Brian Mulroney, which was trying to bring about an accord with the United States on acid rain and in doing so to enlist support across this country for measures which would significantly reduce acid rain, and that would be through reducing sulphur dioxide. Ontario, under the Peterson government of the day, was part of that accord. Ontario worked hard with the federal government, minister to minister, Premier to Prime Minister, officials to officials, to ensure that we would have an agreement that first of all would protect Canada, a pretty radical, pretty drastic,

pretty comprehensive agreement to significantly reduce acid rain. At the same time we would be dealing with our American friends with what we call clean hands, that is, with a record and with plans and programs and proposals which were designed to persuade our American friends to follow suit.

That is what I would like to see happen with the Kyoto accord. That is what I am worried about when I see the Premier today meeting—and I don't deny him the opportunity to meet with Premier Ralph Klein, but Premier Klein was speaking to the Empire Club today and, as always, was in effect defending the economic and financial interests of the oil industry and the gas industry and the coal industry in Alberta. Now, you may say that's the Premier's job. I disagree with Ralph Klein on environmental issues, I disagree with him on the issue of the Kyoto Protocol, but I do understand what his position has been over the years in terms of defending the oil patch, the oil industry. He has received tremendous support from them financially and otherwise over the years. He recognized it as a significant economic engine in his own province.

What I would be concerned about is Ontario in this case lining up with Alberta to block a national initiative which I believe can have a profound positive effect on the health and the environment and, yes, even the new economy of Canada, of Ontario and its various provinces, and ultimately of course a positive effect on the world in terms of global warming and climate change issues. A side-effect, nevertheless a significant effect, in some of these measures—not all of them, but some—is to bring about clean air in Ontario, or at least cleaner air in Ontario.

Premier Klein today trotted out all of the tired old arguments of the group that was here the other day down in the Legislative Assembly dining room trying to cajole and persuade members of the lack of desirability in dealing in a positive way with the Kyoto accord. The same arguments were put out there.

I was looking instead for arguments that might be found in our own Ministry of the Environment, in the 411 pages that the Minister of the Environment has yet to release to the opposition, to the news media and to the public of Ontario which deal specifically with the Kyoto Protocol. You will recall that I requested that through a formal request, through what we call the freedom-of-information procedure almost seven months ago. The ministry admitted it has the 411 pages; it has still not released those to the public of Ontario. I think that would have been useful material to have for this debate and for the public debate that is going on concerning the Kyoto accord.

There was an outstanding book, among many books that were published, called 2030: Confronting Thermageddon in Our Lifetime, by Robert Hunter, a well-known environmentalist. Countless scientists across the world have spoken out passionately about the issue of global warming and climate change. You go right across country after country and you will see that they have.

Now, there have been three or four who have not, the ones who are in the pockets of the oil industry or the industries who are there to hire them to say why we shouldn't take environmental action. There are a few of those. But by and large in the world—and I ask the minister not to dismiss these people. Frankly, I am myself surprised at the consensus developed, because it's difficult to develop that kind of consensus. But there are many, many scientists, dozens upon dozens of scientists, who have expressed grave concern about the problem and have called upon all of us across the world to take action.

Canada and Ontario can show leadership in this regard or we can simply follow the likes of Ralph Klein and the industries who are opposed to this, the so-called coalition for what they would call responsible environmental change.

We have a danger of the melting of the ice cap. That is not some theory. That is something that can definitely happen and would have dire consequences for all the low-lying areas in Canada and elsewhere in the world. We can have massive flooding. We can have disruption of our oceans. We can have disruption of our climate to such an extent that we have prolonged droughts in some areas, and perhaps far more precipitation than they ever anticipated in others. In other words, it could be turned around completely. By the year 2030, most scientists will say that that kind of climate change will be virtually irreversible, that almost no matter what action the world were to take, it would be difficult to reverse that.

That's why I think it's important for Ontario to assume this mantle of leadership today. If you had said to me—and you will say I'm being political and I'll tell you I'm not, and you can make your own judgment. If Premier Harris had been Premier today, despite what I've heard him say in a positive sense about it, I would have anticipated this resolution would be defeated, that the government would take a hard line against the Kyoto accord. I would have thought, with the elevation of Ernie Eves to that office, that we would see a different approach to it, that Mr Eves, unlike Mr Harris—and I respect both individuals, but I disagree with them on some occasions and agree on other occasions. I would have thought Mr Eves would have taken a different approach, what I call the Robarts-type approach or the Davis-type approach, where they are the nation-builders, the people who take the positive national leadership. Instead of simply looking for a fight with whatever federal government is there, or defending the interests of those who have mocked people in the environmental movement, I would have thought they would have shown this kind of leadership.

So Ontario has that opportunity to put forward its program. It's already trying to make a beginning at that. The select committee on alternative fuels came forward with a wonderful report which could provide an outstanding basis for many of the measures that would be needed to implement the Kyoto accord. The Ontario Liberal Party has put forward a number of proposals

which we believe would be of great benefit in achieving not only cleaner air in Ontario, which is a goal that we have—eliminating smog—but which also would have the effect of dealing with the issue of climate change and global warming.

I am on the side of the Ontario Medical Association, the Canadian Medical Association and the Society of Alberta Medical Officers of Health, who are calling upon all governments to work together to either reach or exceed the goals that are set out in the Kyoto accord. It was most unfortunate that Dr David Swann, who was a medical officer of health for the Palliser Health Authority, was fired in a message which was delivered by the local Progressive Conservative riding association president, Len Mitzel, who is the president of the association where the environment minister of Alberta, Mr Taylor, is the member. That sends out a chill in our world. It sends out a chill, certainly, in the province of Alberta, when you find that people are being fired because they're expressing genuine concerns and support for something they consider to be very important.

I hope this afternoon that members of this Legislature will in fact support this resolution, and unanimously, and we can go forward in a positive, constructive, encouraging sense from this assembly to others across the country, to bring them along, to work with the federal government, to work out the details, yes; but for Ontario once again to assume its mantle of leadership in the environmental field rather than following behind the blocking pattern of Premier Klein and members of his Conservative government in Alberta and others who are negative about what I consider to be very positive environmental improvement that will improve public health, the public environment and the new economy in our province.

Ms Shelley Martel (Nickel Belt): It's a pleasure for me to participate in the debates this afternoon. I should say at the outset that the bulk of our time will be taken up by comments that will be made by our environment critic, Ms Churley. It will be an important contribution, so I'm going to make sure that I leave her lots of time.

I am health critic for this party and I just wanted to get on the record from our perspective, from a health point of view, if nothing else. Marilyn will speak to the environmental point of view and jobs point of view. Of course, all of these are connected. We really need to be doing something very serious.

1530

We would do whatever we could at this point to urge this government to ratify the Kyoto accord—no more delay, no more excuses. Let us take a leadership role, frankly, a leadership role that I hope the federal government will demonstrate soon and stop the delay as well, so that we can ensure that we are starting to do something significant, something serious, something concrete with respect to greenhouse gases, with respect to smog and with respect to the impact that those are having on the health not only of Ontarians but of people right across this country.

If you look at polling that has been done even most recently, it's very clear that people want this deal to be ratified. The polling numbers coming out of Ipsos-Reid September 7, 2001, put the support for Ontario for ratification at about 81%. That's even higher than the Canadian average, which is at about 74%.

If you look at Decima's polling, that poll showed that 76.7% of Ontarians said we should endorse Kyoto, and that was just a little bit higher than the Canadian average at 76.3%; 9% said no; 2% said "it depends," and 11% don't know. That question, as posed to people who were being surveyed, was, "Do you think Canada should endorse Kyoto at Johannesburg?"

I think that clearly people are aware of the issue. People are aware of the implications of not proceeding. People not only in this province but right across the country have said, "It's time now to show a leadership role and take a positive step with respect to doing something about this very serious issue."

From the point of view of health, the Ontario Medical Association has been very clear with respect to its estimates, its work done on smog. The OMA itself has estimates that they use frequently and consistently, and those are that about 1,900 Ontarians die prematurely from smog. They also state, and they do this very consistently and very regularly, that about 9,800 people are admitted to Ontario hospitals and 13,000 people make emergency room visits because of the effects of air pollution in Ontario. They began using that statistic in 2000 and have consistently used it from that point till now.

Anyone who has to live through some of the summers in Toronto that people in this city have had to live through will know that we have a serious environmental problem. We have a serious air quality problem, and that is driving a very serious health problem, which frankly in the short term is ridiculous and in the long term is just going to increase the costs to the health care system about something that we can do something concrete about.

If you look at our population aging and our population increasing—because both of those things are happening—the OMA also estimates that the number of people who will be affected by air pollution is also going to increase. For example, the number of people dying from air pollution is expected to rise to about 2,600 people in the year 2015.

The OMA again estimates that air pollution itself costs Ontario more than \$1 billion a year, and that stems from the cost of hospital admissions, the cost of emergency room visits and the cost to the economy of absenteeism from those people who are so dramatically affected and who then have to access health care in order to deal with that very negative effect.

The OMA has also said that when pain and suffering and loss of life from polluted air are added into these costs—and those are effects that it's very hard to put a definite financial figure on—the total annual economic loss from polluted air was estimated at \$10 billion a year. It will increase to \$12 billion in the year 2015.

Again, this goes back to figures that the OMA first released in 2000 and have consistently been using to make the case since then. That is an enormous cost. It is an enormous cost in terms of human suffering of those who are affected, of those who can't breathe in this city and many others on many hot days, not only during the summer but this year it was well into the beginning of May when we started to have the first smog alerts in this city and in many others. When you think about the human suffering, it's enormous. People are literally choking to death trying to walk to work, trying to get to the subway, trying to get to any number of appointments they're supposed to be at. The magnitude of the people who are affected in that way is really overwhelming. It should not only cause us a great deal of concern; it should be a motivator to action.

I'm particularly worried about the impact on kids. The numbers of children, for example, who are contracting asthma are growing by leaps and bounds. I'm sure that having to deal with second-hand smoke in some of their homes might be a cause of part of that. But I do not think that we can underestimate that particular epidemic among children and not understand that what we do or don't do with respect to smog is having a really serious impact on kids as well. Those problems are only going to increase, given that we are seeing that epidemic in the child population now.

If you look at the cost in terms of absenteeism, there's a huge cost, over \$1 billion alone associated with absenteeism, hospital admissions and emergency room visits. This is a cost that we should be doing something about, that we can be doing something about. It's a cost that we could avoid if we started to get really serious, first as a province and second as a nation, about dealing with greenhouse gases and their effects, and then the impact on smog over and above that. Frankly, I think we could spend that \$1 billion we are now spending on all those Ontarians who have to seek help because they can't breathe on something a whole heck of a lot better.

What's important to note is that not only are we spending those costs on hospital admissions and visits to emergency rooms and absenteeism, people are dying. They are dying prematurely from smog, and 1,900 of them are dying every year in this province. If that isn't a reason to be motivated to action, I don't know what else is. These aren't people who contract a terminal disease that we don't have a cure for, such as many types of cancer. These aren't people who are killed in automobile accidents, boating accidents, skiing accidents or anything else. These are people who are dramatically affected by the state of our air quality and who die as a result. That's something we can do something about and that's something we should be doing something about.

I endorse what the member for St Catharines has said today in terms of bringing forward a resolution that says that this assembly should endorse the ratification of the Kyoto Protocol in this country. My concern, however, is the dilly-dallying, the delay, the excuses that I'm seeing not only in this chamber from this government but at the

federal level too. It is high time that Prime Minister Jean Chrétien showed some real leadership, stopped the delay, and brought this accord forward for a vote and got on with the important business of implementation. We cannot afford to delay any more.

When I look at what Ralph Klein is doing, and I see that the Conservatives have dragged Peter Lougheed out of retirement, or wherever he has been dragged from, to mouth the industry line in Alberta, I've just got to shake my head. I was even more frustrated a number of weeks ago to hear the Alliance leader actually question the legitimacy of the link between greenhouse gases and medical problems. I couldn't understand where he was coming from except to say that he too must be so deep into the pockets of the oil and the gas industry in Alberta that he would ignore every bit of environmental, medical and scientific piece of evidence to show all of these links, and try to suggest, as he did—I'm not sure if it was in the House of Commons or outside—that he really didn't think there was a link between all these things, between greenhouses gases and medical effects, between what the industry is pumping into the air and the negative effects on the environment.

We've got to get beyond those people who are deep, deep, into the pockets of the oil and gas industry. We have to get beyond what they're saying, which is effectively to trash this deal and to find a Canadian solution which will be voluntary. I can tell you that if it's going to be voluntary, it's not going to happen; it's not going to get done. The industry will look for every excuse, legitimate or not, to not do the right thing. This is a group of folks that have a lot of money, that have very deep pockets financially, that can put a lot of ads into the media, on television, on radio, and do a lot of work to convince people of the reasons why we shouldn't.

Thankfully, I think most Canadians still agree, this is a protocol we should be signing. If you look at the most recent figures from October 7, at least those in Ontario are overwhelmingly in support. I hope it stays that way. I think the provincial and federal governments should look at those polls and move now on the ratification.

1540

As I said when I started, there are environmental issues, they will be dealt with by my colleague for Toronto-Danforth, but as the health critic, I just clearly believe that we cannot afford to delay any more—not for the cost on our health care system, not for the cost on our economic system because of absenteeism, and not, especially, for the cost on the families who are losing loved ones prematurely because of smog, which is directly related back to this whole issue.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I appreciate the opportunity to speak today to the members assembled with respect to the Kyoto Protocol. The opposition position on this issue is to endorse, sign, ratify the agreement immediately.

There are some fatal flaws in the rationale that they're using to actually move forward to sign the accord. I guess

the first question you have to ask yourself, I say to the member opposite for St Catharines who spoke, and the other for I think it's Nickel Belt—Sudbury, anyway—what are you signing? What exactly are you signing?

Ms Caroline Di Cocco (Sarnia-Lambton): Targets.

Hon Mr Stockwell: The member for Sarnia says "targets." OK. What are those targets?

Ms Di Cocco: Sixty per cent to 70%.

Hon Mr Stockwell: And how are you going to get there?

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Nobody knows.

Hon Mr Stockwell: Nobody knows. What we have is a situation where we have two opposition parties asking to sign a protocol that they have no knowledge of how they're going to achieve the end.

Let me ask this—and these are questions that I put out to the public at large, the opposition members too: what are the credits that we get with respect to the Kyoto Protocol? What are the credits that the world has given us in reducing greenhouse gas emissions? The answer is, we don't know. Why don't we know? Because the federal government is still trying to negotiate those credits. So you're going to sign a protocol that you don't know what credits you have. By not knowing the credits, you know what else you don't know? You've no knowledge, no idea whatsoever, of the megaton reduction that you are being asked to make, between 1990 and on, at 6%, and what that megaton reduction is.

The opposition parties say, "Let's sign this accord; let's sign this protocol," but they have no idea what they're signing, they have no idea what they're agreeing to, they have no economic plan at the cost of signing, and they have no idea how they're going to achieve these goals.

Let's get something straight off the top: the Kyoto Protocol, from a Canadian perspective, hasn't got any flesh on the bones. Nothing. You'll be signing a pig in a poke. You'll be signing something that really doesn't exist. You say, "That's your opinion." Look, why is the federal government not moving on this? The federal government isn't releasing their plan, not telling us the credits and not letting us know what the megaton reduction is because they don't know. They're now going to the European communities, those that have signed the accord, asking for credits for planting trees in other countries. That's what they're asking. They want credits for planting trees in other countries. They're asking for credits for clean energy exports. So if you export nuclear or hydro power to the United States, they're asking the other countries that signed on, signatories to the accord, to give them a credit for that. So far, nobody is giving them any of those credits. Nobody has agreed to give them those credits. So what is the number we're being asked to reduce? We haven't got the whole number.

It goes even further. What is further about it? We don't have the numbers of reduction targets for provincial governments. We're not told what our megaton reduction, by province, is.

Mr Richard Patten (Ottawa Centre): Your ministry has it.

Hon Mr Stockwell: No. Nobody has told us how we meet the Kyoto Protocol, because that protocol says, "If you sign it and you don't meet those targets, you're faced with very heavy and stiff penalties and fines."

So we have clearly established one thing that the federal government agrees with: we don't have the information, the plan, the credits for the megaton reductions that we have to meet.

Now let's look at it from the other side. They ask us to sign this Kyoto Protocol today. What is the economic loss of this Kyoto Protocol? Is there an economic impact? Maybe that's a fairer question: is there an economic impact? Well, if you don't know the credits and you don't know the megaton reductions you're asked to approve, how can you possibly know whether or not there's an economic impact? You can't. Why can't we know that? Because you don't know what you're being asked to do.

The federal government has been promising for about a year or two to provide us with this information. It isn't just Ontario that's saying, "We need this information before we can commit to Kyoto"; it's Alberta, it's British Columbia, it's Ontario, it's Saskatchewan, it's Nova Scotia, and now it's Quebec. They're also saying the same thing.

Ms Di Cocco: They have no leadership.

Hon Mr Stockwell: And I hear the heckle from the deep thinker from Sarnia saying, "Well, they have no leadership." Apparently there's a void in leadership in every single province in this country. The only true leaders, their thinking is, the only two people who would sign this, would be Howie Dalton, but everybody else is crazy; they've got no leadership in any other province or any other party. The reason is the economic impact.

Ms Marilyn Churley (Toronto-Danforth): Don't forget Gary Doer in Manitoba.

Hon Mr Stockwell: Gary Doer, the NDP leader in Manitoba, who has no—minimal, minimal—commitment to the Kyoto Protocol, who's hardly impacted at all, signed on. That's the only guy. And his impact is practically negligible. He's the only one who's signed on. Those provinces that are affected, the manufacturing associations say—potentially up to 450,000 jobs, 3% to 4% drag in your GDP, billions and billions of economic dollars, prosperity and investment. Those are the kinds of numbers we're hearing. They would like to know what the deal is.

Mr Patten: How do they know that?

Hon Mr Stockwell: I'll tell you how they know. They know it. If you sit still, I'll tell you. Here's how they know: because, according to the agreement signed, there's a whole number at the top of the list that we have to reduce by right across Canada. They're taking that whole number. They're presuming no credits, and they're applying that number to all of Canada. Have they applied that number to individual provinces? No. They're saying

the Canadian economy would suffer 450,000 lost jobs, a 3.7% GDP drag, and billions of dollars of lost investment.

Mr Dwight Duncan (Windsor-St Clair): So they're assuming.

Hon Mr Stockwell: No, the only thing you can't assume about this is the total number. But those numbers—

Mr Garry J. Guzzo (Ottawa West-Nepean): They should have read it.

Hon Mr Stockwell: You should have read it, actually.

Those numbers aren't assigned yet. No province knows what their share of that whole number is, and they don't know the sectors it's going to impact.

We know one thing: the energy sector is impacted. Why is Alberta opposed? Because they've got a huge energy sector. Do you know who else is impacted? Manufacturing. Who's got the manufacturing sector? Ontario. Ontario's got the manufacturing sector.

Interjection: Right, not Manitoba.

Hon Mr Stockwell: Not Manitoba, exactly; not PEI—Ontario.

Who's got the resource sector? British Columbia. Why do you think they're—because they're the ones who are going to have to make the commitment for jobs, lost investment, lost prosperity.

Let's get something on the record. We are all in favour of greenhouse gas emission reductions. We're all in favour.

Interjection.

Hon Mr Stockwell: We've done lots about it. We have done lots about it, I say to my friend from Sarnia, the deep thinker from Sarnia. I will say to her, there have been a number of initiatives this government has taken to reduce greenhouse gas emissions. Consider Drive Clean. Vehicles account for 29% of all greenhouse gases. This is the government that instituted Drive Clean to reduce that.

Hon David Young (Attorney General, minister responsible for native affairs): They were against it.

Hon Mr Stockwell: I don't know if they voted against it, but there were certain people out there who were against it.

The electricity market, by opening, has been competitive. The OPG has put voluntary restrictions on emissions that they've met, and they've also put regulated restrictions on emissions. There is not a person in this august chamber who's in favour of greenhouse gas emissions. No, we're not. We're all in favour of reducing those emissions. But you must have a good plan, a thoughtful approach to reducing these emissions. Why? Because my belief is, and I know the belief of my government and my Premier is, that you can reduce greenhouse gas emissions and not have economic loss and loss of prosperity, loss of investment, loss of jobs. You can do both. The problem is that the federal government won't tell us what the plan is. They won't give us the credits we get, and they won't tell us the megaton reduction.

1550

We're now faced with a situation that's very perplexing—I know the member for Beaches-East York is going to speak to this—because do you want to know the one real, big problem with the Kyoto Protocol?

Ms Churley: Toronto-Danforth.

Hon Mr Stockwell: Sorry, Toronto-Danforth.

It may happen. The way this Kyoto Protocol works is that not a single reduction in greenhouse gases could occur. Why? Because if you don't meet your targets, do you know what you have to do? You simply buy credits from developing nations. What does that mean, buying credits from developing nations? You don't take your greenhouse gas emissions down. You just write a big, fat cheque to India, Russia or China. Probably the worst polluters in the world get a big, fat cheque from the taxpayers of Ontario and there's no reduction in greenhouse gases.

You did not know that. You couldn't have known that and stood in your place today and suggested we sign this thing, bada-bing, bada-boom. You couldn't have known that, because if you knew that, you would say, "Jeez, that's not a very good deal. That's not a very good idea." That's not protecting the environment. That's just writing a big, fat cheque and not reducing greenhouse gases, shipping jobs out of the country, shipping prosperity out of the country and shipping money out of the country. Who would be in favour of that?

We have to analyze this situation very carefully. I know there is this moral suasion that has come over the opposition. They want to do it because it feels good. They think they're doing something for the environment, and it feels good. But in reality, with this protocol, you may not be reducing any greenhouse gas emissions at all and you may cost your economy jobs, investment and prosperity.

We support the Kyoto Protocol's initial ambition, which was to reduce greenhouse gas emissions. We believe in that. But if you can simply buy credits by shipping money offshore, why would we not take that money and invest it in the bright minds we have in Ontario, ask them to take this money and develop better strategies to reduce greenhouse gas emissions? Why do you want to send that money offshore? Don't you think we're bright enough to come up with the ideas to reduce greenhouse gas emissions and have a better environment in this country?

Interjection: Absolutely.

Mrs Sandra Pupatello (Windsor West): You never come up with a new idea.

Interjections.

Hon Mr Stockwell: Sure we can. I agree with the member from Ottawa.

Interjection.

The Acting Speaker (Mr Michael A. Brown): Order.

Hon Mr Stockwell: I know the member for Windsor is heckling. I challenge her to read the protocol. I challenge her to go over the protocol. I would ask her to

read the protocol, or I would ask her to have somebody read the protocol to her, because I'm sure once you're finished having that read to you, you will have some very real questions, because any reasoned and thoughtful person would have questions after you read the protocol.

You ask yourself, how many countries in the Americas have signed the Kyoto Protocol?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): How many? Twenty?

Hon Mr Stockwell: Answer the question. How many countries in South, Central and North America have signed the protocol?

Interjection: More than a dozen.

Hon Mr Baird: Twenty.

Hon Mr Stockwell: Zero. Zip. Zilch. Nada. None. You've got to ask yourself why.

Mrs Papatello: You're just like the showboat for the government.

Hon Mr Stockwell: Oh, now—

The Acting Speaker: The member for Windsor West.

Hon Mr Stockwell: Did you hear the member for Windsor actually suggest that someone else is a showboat? That may be a glass house you're residing in.

How many have signed the protocol? Zero. I know there's going to be an issue about the United States of America not signing the Kyoto Protocol. We have to deal with that reality because we compete very directly with the United States of America on many manufacturing, resource and energy sector businesses. The reality is that we have to create an opportunity to reduce greenhouse gas emissions that doesn't make us uncompetitive. Businesses will, without doubt, if the border is a few short miles away and they realize they can do something on that side as opposed to this side and it's going to be costly and penalize them—they won't stay. We have to create a situation where we can reduce greenhouse gas emissions and get to the point of creating opportunity.

Mr Gregory S. Sorbara (Vaughan-King-Aurora): Those are tired arguments, Chris. Get a new writer.

Hon Mr Stockwell: I hear the member. This is very funny, "tired arguments." That member right there was one of the few people alive who would still admit that they opposed the free trade agreement. But that member is one of them, and he's the guy talking about tired arguments. He and Maude Barlow are going to come up and steal our water, remember?

Mrs Margaret Marland (Mississauga South): And he's the president of the Ontario Liberal Party.

Hon Mr Stockwell: And he's the president of the Ontario Liberal Party, yes.

I'm not really sure I'm going to take my advice from one of the opponents of the free trade agreement.

Interjection.

Hon Mr Stockwell: Well, Maude Barlow has a charter member over there.

The other problem is the approach the feds have taken. You've got to ask yourself, I say to the members opposite, why won't the feds issue a plan? Why not?

Why won't they issue a plan? Come on. Why won't they give us a plan? Why won't they tell us what the reductions would be? Why don't they tell us what the credits are? You have to ask yourself that question, and the only conclusion you can come to is one of two things: either they don't have a plan—hard to believe that you've been working on this since 1997 and you don't have a plan—and the second one is, they do have a plan but the numbers are so ugly, they don't want people to know.

So what they did is, they released a plan a week or so ago. The federal government has based its analysis on implementing its plan on 70% of the Kyoto targets. The remaining 30% that will be involved, the more costly and difficult initiatives, are not included in the federal plan. Now, come on; be fair. I'm asking the members opposite to be fair. Why would you take a federal initiative that they willingly admit only includes seven tenths of the Kyoto Protocol and excludes the final three tenths, which is the most difficult three tenths to capture? Why? You know why: if you release the full plan, the economic downturn, the losses in jobs and investment and prosperity, would be absolutely horrendous.

Now, you ask yourself, why doesn't the federal government give us the studies they've done on the Kyoto Protocol and the cost to the economy? Why won't they release those? You've got to ask yourself why. You've got to know that if they were beneficial, if they helped their cause, if it created an opportunity to advance their case, they would have released these plans. They haven't released them because it does exactly the opposite.

So we have to take a—

Mr Sorbara: Classic Tory junk about, "Oh, my God, the sky is falling."

The Acting Speaker: Order.

Hon Mr Stockwell: Thank you, Mr Speaker.

So what we have to do—I would chide the members opposite. I listened very carefully to your member speak and I heard what he had to say. Frankly, I don't agree with him, but I think this is an important situation, an important issue that you've got to offer dissenting opinions on. I'm just offering a dissenting opinion to that of your party. I'm trying to get across the point—I'm trying to be successful at it and I think the people watching understand—that we have no idea, you have no idea, the NDP have no idea what you're signing; none. You don't know.

Are scientists out there saying that the Kyoto Protocol to reduce greenhouse gas is a good idea? Yes, we agree. We want to reduce greenhouse gas emissions. If the Kyoto Protocol is a vehicle to do that, that's good. Now you have to tell us how that protocol is going to work.

Interjection: Seems reasonable.

Hon Mr Stockwell: It's a very reasonable position to take.

Right now I think we're looking at a 240-megaton reduction Canada-wide—a 240-megaton reduction. That's a lot of greenhouse gas emissions reduction. Frankly, I think the feds got fleeced at the world table. I

think they cut themselves a far worse deal than a lot of other countries did. Having said that, that's done; it was in 1997. I think they did get fleeced.

A 240-megaton reduction: let's translate that into workable numbers. I think we as a province, and I'm guessing, maybe could do—and this is just based on my review of the protocol after reading it and seeing what the impacts would be—15 to 18, in that sphere. It would still have economic loss, but we probably still could work very hard to find a way to mitigate the damage.

Under the 240 scenario we're probably going to get 30% to 35% of the reduction. Think that through: 30% to 35% on 240. You're looking at an 80-megaton reduction. I've not seen any responsible, reliable report on the economic impacts, including the federal numbers, that doesn't call for hundreds and hundreds of thousands of job losses at that level. Not one. Even the federal numbers themselves talk about hundreds and hundreds of thousands of job losses.

Where are those jobs? I know the opposition always likes to talk about flipping burgers. Well, you know what? They're not the flipping-burger jobs, guys. They are hard-earned, mostly union jobs in the resource, energy, manufacturing and automotive sectors.

1600

Hon Mr Young: Any in Windsor?

Hon Mr Stockwell: Lots in Windsor. Lots. Lots in the automotive centres. And why are we doing that?

Mr Gill: And in Sarnia?

Hon Mr Stockwell: Sarnia? Absolutely—very much an energy-based sector out there, pharmaceutical-producing.

Mr Joseph Spina (Brampton Centre): And Ottawa?

Hon Mr Stockwell: Ottawa? Of course. Ottawa will be least hit because they have the federal members. But there is a serious impact on those sectors and costing those jobs.

Mr David Caplan (Don Valley East): The sky is falling.

Hon Mr Stockwell: I'm not suggesting the sky is falling at all. I'm just telling you what the economic prognosticators are saying.

Mr Caplan: In the petroleum—

Hon Mr Stockwell: The CMA, the manufacturing association, is in the petroleum—they're manufacturing-based.

The automotive: why would the automotive industry make this up? What benefit would there be to make it up? What benefit at all could the automotive industry and the manufacturing sector have to make up some number? Why would they be just diametrically opposed? A lot of companies work toward reduction of greenhouse gases already. Your leader talked about them today. They're doing it on their own. Now, we need to work together and get a made-in-Ontario and a made-in-Canada plan, but why would they be just making these numbers up, I say to the member for Don Valley West, as you're claiming? Why would they just make it up? They wouldn't. It doesn't make sense.

So what have we asked the federal government for, in closing? We've asked a couple of very fundamental questions.

One, "How much are you expecting us to reduce our megaton greenhouse gas emissions by?" I know the member for Vaughan-King-Aurora thinks that's reasonable. Why would you not want to know how much you're expected to reduce your greenhouse gas emissions by?

Mr Sorbara: Absolutely.

Hon Mr Stockwell: Absolutely reasonable.

We're also asking them, "Can you give us an idea of what credits you have so we can determine how much of a megaton reduction we need to make?" I know everybody would say that's a reasonable question.

And before I sign, I have a third question: "What is the economic cost to the people of the province of Ontario if we were to implement this plan?"

I know the member for Vaughan-King-Aurora would ask that question too. I've got to believe the leader of the official opposition would ask that question. Wouldn't any reasoned and thoughtful person want to know how much we have to reduce our greenhouse gas emissions by and what the credits are that we're going to get so we don't have to reduce them by that much? And after that is said and done, you might want to ask, "And what kind of economic impact would that have on, say, the resource, energy, manufacturing and auto sectors that happen to operate to create jobs, prosperity and investment in the province of Ontario?" You'd think somebody would want to ask those three questions.

Well, apparently not, because today, without any of those questions asked, we have before this House a motion by the Liberal Party, without any of those questions answered, to endorse the Kyoto Protocol. They have no idea, none—and I'm going to be very interested in listening today to the opposition. I'm going to really be interested to hear the opposition tell me how many megaton reductions we are obligated to do under the Kyoto Protocol. I'll be very interested in hearing from the opposition what the credits are that the federal government has got agreement to around the world to reduce our commitment. I'd be very interested to see if they have that.

I would also be interested to find out if they've got any economic impact studies to talk about job loss, investment loss, drag on the GDP, to sign the Kyoto Protocol. You know what? The reality is, they don't have any of those answers. So they want to talk about, as Mr Bradley did, and as Mr McGuinty does on a regular basis, "Sign the Kyoto Protocol."

Then you ask them, "Well, what's our megaton reduction?" "I don't know. Just sign it." "Well, what are our credits that we're going to get?" "Oh, who cares? Just sign it." "How many jobs are we going to lose in the province of Ontario?" "That doesn't matter. Sign." "What's the prosperity loss?" "I don't care. Sign." "What's the GDP?" "Just sign."

Mrs Papatello: Ten million dollars for sports teams? "Just sign."

Hon Mr Stockwell: I say to the member for Windsor West, \$10 million is peanuts compared to the amount of money, is peanuts compared to the amount—

Interjection.

The Acting Speaker: Order.

Hon Mr Stockwell: I think I'm interrupting Sandra, Mr Speaker.

The Acting Speaker: The member for Windsor West will come to order.

Hon Mr Stockwell: I was interrupting her. I apologize. I've learned: don't interrupt Sandra. When she wants to talk, she wants to talk.

The question then becomes, if all they want to do is sign, when do you get these answers? When are they going to get those answers? Well, after you've signed the protocol, you get your answers. You know what the federal government's going to do. Classic case. They know they've got trouble in Alberta and British Columbia, and they know they've got trouble in Quebec. You sign that protocol before they sign on, guess who is doing all the megaton reductions? Ontario. Sure, why wouldn't you? You've got somebody who's signing this deal. They can't wait. They're salivating, they're slobbering on themselves to sign this deal at an economic cost they have no idea of, greenhouse gas emission reductions that may not happen. "Sign it, sign it, sign it," they say.

So do you know what they're doing in Alberta and BC and Quebec right now? They're saying, "Jeez, I hope those Liberals and NDPs actually pass that silly motion they put on the Legislature today. I really want them to pass that motion, because if they pass that motion, then all our worries are gone." Because I know the federal government is saying, "Don't worry guys, Ontario signed on. They're going to make all the greenhouse gas emission reductions. They're going to lose all the jobs. They're going to have all the cost." That's what they'll do if you sign.

You've got to ask yourself—

Mr Sorbara: Boy, that's a load, Chris. Bring a bulldozer in to deal with this.

Hon Mr Stockwell: You've got to ask yourself, I say to the member for Vaughan-King-Aurora, if that isn't the case, tell me why no other provinces signed. Tell me why. It's kind of suspicious, isn't it? No other province has signed on. Doesn't that twig your large mind, I'm sure? Doesn't it twig it just a little bit that no other province has signed on? Doesn't that make you say, "Jeez, I wonder why they haven't signed?" You've got to ask yourself that question, those reasoned and thoughtful questions. All you're telling me is you're living in a Neanderthal world, the sky is falling, you should just sign the accord, sign the protocol, regardless of its economic impact, regardless of those costs.

We're in favour of reduction of greenhouse gas emissions. If we can make those emission reductions within the Kyoto Protocol, we will. If we can't, then we'll do it by a made-in-Ontario, a made-in-Canada solution. We will do it that way if that's what we're

forced to do, because we want to see greenhouse gas emissions reduced, but we have to be able to do it without penalizing jobs, prosperity and investment. It can be done. It's been done for the last 10 years by this government through the initiatives that we put forward.

Interjections.

Hon Mr Stockwell: Oh, Mister Speaker, that's out of order.

Interjections.

Hon Mr Stockwell: Well, Mr Speaker, then it's fairly obvious that we're faced with a situation where these are simple questions that are being put to the public and these are simple questions being put to the opposition. They don't tell the truth, so there's no point in putting these out there because they're going to go around the province and not tell the truth, because apparently that's their modus operandi.

Interjection: They just said that.

Hon Mr Stockwell: That's what they just said, I know. So our job is to fight this untruth that comes from the Liberal caucus with truth. By doing that, we have to provide them with accurate information out there to combat the information that's being used by the Liberals, and I am going to provide that information.

As we go through, I just want to tick off the last few. Consider the Drive Clean program.

Interjections.

The Acting Speaker: We can't have this. The Minister has the floor. He's the only person that has the floor. He wants to continue without all this chatter. Minister.

Hon Mr Stockwell: I would ask you to consider some of the initiatives this government has taken. The Drive Clean program: 29 per cent of all greenhouse gas emissions come from vehicles. We're the government that put in the Drive Clean program. The Drive Clean program is expected to cut these emissions by some 100,000 tonnes annually, the rough equivalent of taking 23,000 cars off the road for good. Our government has also required Lakeview generating station to cease burning coal by 2005, the first government to actually put in place a plan to stop a coal-fired plant from operating. Also, by opening the electricity market to competition on May 1, 2002, our government is the first government in the history of the province to let green energy on the grid.

1610

We have also shown strong support for public transit. Through SuperBuild, we have committed more than \$3 billion over the next 10 years for transit expansion and renewal—\$3 billion.

Interjections.

The Acting Speaker: Order. I'm going to have to start naming people if this continues. So let's just let the minister proceed by himself.

Hon Mr Stockwell: We're also creating tax incentives for consumers to purchase products using renewable fuels. In the June 2002 Ontario budget, we introduced an exemption from the 14.3 cents per litre fuel tax for biodiesel fuels. We also introduced an extension of the sales tax rebate for hybrid electric automobiles to

cover sport utility vehicles and light-duty trucks. These are the types of concrete initiatives that we need to see in a federal plan.

Mr Sorbara: And you cut all the funding to the TTC.

Hon Mr Stockwell: Oh, I beg to differ; nearly \$1 billion for the Sheppard subway line alone.

Unfortunately, we're left with a vague federal approach that gives no indication of exactly how ratification will affect Ontarians. We need to support a resolution in this House asking the federal government to bring the information forward. We need to ask them what they expect from Ontarians. We need to ask them what they expect from the Ontario economy, from the auto sector, the energy sector, the resource sector, what they expect in reductions, and we need to ask them to provide us with a plan that talks about the economic impact on Ontarians.

That is not a troubling, trifling little issue. That's the very issue that we fought for when we got elected. The very issue was that we want prosperity; we want growth; we want environmentally sensitive issues. We understand them and we've passed legislation for them.

But if you're asking us to sign a deal that the Liberals want to sign, along with the NDP, that doesn't tell you what the reduction in megatons is, doesn't tell you what the credits are that you get in reductions, doesn't give you the economic impact on job losses, GDP reduction and investment, why would you sign an agreement that you don't know anything about?

Finally, apparently not just the Progressive Conservatives but Quebec, BC, Alberta, Nova Scotia, Saskatchewan, Prince Edward Island, Newfoundland—nobody signed the deal. Why? For the very same reason we would not sign it today: we need the plan, we need the account, we need the cost. Those are not trifling little questions; they're fundamental questions that you need answered before you would sign any agreement.

With the greatest respect to the opposition parties, if you were in government and you simply unilaterally said, "Oh, don't worry about it; we'll just sign," you would be in dereliction of duty, because your duty is to represent the people of Ontario by reducing greenhouse gas emissions without savaging their economy, their jobs and their prosperity, and we will not be part of that party.

Mr Dalton McGuinty (Leader of the Opposition): I listened with great interest to the minister, and with tremendous disappointment, I might add. Every once in a while there comes a time in our history when we can leap forward and embrace tremendous promise. In this particular case, when we're talking about the Kyoto accord, we're talking about a future that could give us a better and cleaner environment, a safer environment for our children and grandchildren and, at the same time, help us make the transition into a carbon-constrained world. The experts are telling us that the greatest economic shift we are going to witness in this century will be the shift away from fossil fuels toward cleaner, renewable sources of energy.

The argument put forward by the minister and by the other members of this same government is somehow

grounded in the notion that the numbers simply aren't all there. To my way of thinking, what this is really all about is who in our country today has the determination, the commitment, the imagination and the courage for us to move forward into that new carbon-constrained world where there is a better, safer, cleaner environment and better, higher-paying, high-skilled jobs for all of us. That's the ultimate decision we're making here today.

I want to quote just a little bit from that left-wing socialist magazine known as *The Economist* because there was a very interesting edition put out on July 6. The front page has a cover that says, "CO₂al: Environmental Enemy Number 1." In this magazine, a very reputable business magazine, it says as follows with respect to the issue of global warming: "Atmospheric concentrations of greenhouse gases have risen from around 280 parts per million two centuries ago to around 370 parts per million today. Both surface temperatures and sea levels have been rising for some time." Climate change may be slow and uncertain, but that is no excuse for inaction. It goes on to say, "That, in a nutshell, is the dilemma of climate change. It is asking a great deal of politicians to take action on behalf of voters who have not even been born yet." That's what *The Economist* says. That's how they frame this issue of global warming.

We have an opportunity before us. People at the international level, working feverishly, have come up with a protocol, an accord. It is an agreement, and they've asked that we sign on. I think we've got a responsibility here in the largest province in the Dominion, the greatest economic engine of our country, to sign on to that and to play our part in helping to reduce the challenge of global warming in our world.

The government says that this is going to do nothing but wreak havoc of Biblical proportions. There is the requisite wailing, gnashing of teeth, rending of garments, "The sky is falling," and the like. But there are some wonderful examples to be found in the business world in terms of what you can do when you set your mind to it.

I want to talk just briefly about British Petroleum's experience. They happen to be the single largest supplier of oil and gas to the US. They're one of the biggest petroleum companies in the world. In 1998, the leadership at British Petroleum decided not to wait for international approval of the Kyoto Protocol. Instead, the company implemented its own even tougher targets right away, pledging to reduce its greenhouse gas emissions to a level 10% below that of 1990 by 2010. The Kyoto Protocol would have us reduce our levels 6% below 1990 by 2012. They took it a step further. They went to 10%. Do you know what? Achieving that goal didn't take nearly that long. In March 2002, British Petroleum announced that the company had already reached its target, eight years ahead of schedule, and was setting still more ambitious ones. The question is, what did this cost British Petroleum? Nothing. In fact, the company saved US\$650 million by using energy more efficiently.

Here in Canada, Interface Flooring Systems of Belleville, a manufacturer of carpets, reduced their greenhouse

gas emissions by 65% since 1995. The company has also set for itself a target of sourcing 100% of its electricity from renewable sources by the end of 2002.

If you spend any time at all looking at the experience in California, for example, or in Europe today, those jurisdictions are rushing to embrace the economic opportunities to be found as we move into this so-called carbon-constrained world. They are putting themselves at the cutting edge, putting themselves in a position to be leaders of the pack.

1620

A good example to keep in mind is the case of Inco, which I referred to in this House earlier. During the late 1980s, when the Liberal government put into place Countdown Acid Rain, because we had learned that acid rain was killing our lakes and forests and this government decided to do something about it, we heard from industry telling us, "If you force us to abide by that kind of tough regulation, you're going to put us out of business. We simply will not be able to compete with people around the world. You can't do that to us. It's unfair, because they're not going to put that in place south of the border. You're going to put us out of business."

Mr Sorbara: That was the Tory view.

Mr McGuinty: That was the Tory view then.

Inco in particular, the world's largest producer of nickel, was very concerned about the economic impact this would have not only on their business but on the community of Sudbury. Today I am proud to report that Inco is the most cost-effective producer of nickel in the world, and the technological know-how they had to develop to reduce the emissions coming from their smokestack is something they are now selling to the world.

Green industry, environmental industry is the fourth-largest industry in our country. It employs in excess of 100,000, 150,000 people—the number escapes me right now. That's the way we've got to move forward. It's not by digging our heels in and saying, "the sky is falling"; it's by embracing opportunities that are being found there.

We are doing, I would argue, more than our share on this side of the House. We put forward a clean air plan that takes up three quarters of the way to satisfying Ontario's responsibilities under the Kyoto accord.

We talk about cleaner air. We're going to shut down those filthy coal-fired furnaces. Remember the Economist? "CO₂al: Environmental Enemy Number 1." When I made that commitment, many people could not believe that at the beginning of the 21st century, in a progressive technologically developed jurisdiction like Ontario, we were still burning coal to generate electricity. They've read about the blight of coal on 19th-century London to be found in Charles Dickens's writings, but they couldn't believe we were still burning coal in Ontario. Well, we are. I'm ashamed to admit it. Do you know what? We're going to do something about it. We're going to shut those things down by 2007.

We're going to clean up our gasoline by requiring that we blend it with ethanol. Ethanol is made from good old-fashioned Ontario homegrown corn. So at the same time we clean up our gasoline and clean up our air, we're going to create thousands of new high-end jobs for our farmers.

We're going to invest in public transit. We've got to give people a viable alternative. We all want people to get out of their cars but we've got to give them a viable, practical alternative. Our cities simply cannot continue to invest in public transit in the way we need them to in order for us to accommodate our growing population, especially here in the greater Toronto area. So we're going to give to our municipal partners two cents of the provincial gas tax on condition that they invest it in public transit.

We are doing our share on this side of the House toward satisfying the responsibility we owe to the international community, but more importantly, the responsibility we owe to people not yet old enough to vote and people who have yet to be born in our province.

Every once in a while in our history there comes to us an opportunity that allows us to choose between embracing a bright and promising future and being mired in a bleak past. This is the opportunity, this is the resolution, and we're asking this government to do the right thing and support this resolution.

Ms Churley: I think all members in this Legislature take this issue quite seriously, despite the bantering back and forth. We're talking about future generations here—

Interjections.

Ms Churley: Yes, right.

The Acting Speaker: Members will come to order. The member for Toronto-Danforth has the floor. We don't need all this chatter and rude behaviour. If you want to talk, take it outside.

The member for Toronto-Danforth.

Ms Churley: Thank you, Mr Speaker. I was saying that I don't feel very lighthearted or feel like bantering over this issue because—

Mr George Smitherman (Toronto Centre-Rosedale): We were applauding our leader.

Ms Churley: I'm not talking about you; sorry, I mean overall. I know what you were doing. Let me for the record say I am not—

Mr Smitherman: It's a sober issue.

Ms Churley: It is a sober issue, and I'm just talking about some of the debate to date.

I want to start, as a backdrop to my remarks, by reminding people what will happen, what we're talking about here, if we don't sign Kyoto now and aggressively meet the targets we need to meet, and beyond. In fact many scientists are saying, and this is so key and what we need to understand, that 6% below the 1990 levels, which is all this is at the moment, is just the beginning, that we need to do at least 10 times as much as we're being called on to do now to stop what is considered possibly a catastrophic future for our children.

Interjections.

Ms Churley: I didn't heckle the members over there when they were speaking, and I would appreciate it this late in the day if they didn't heckle me. I'm feeling fairly grumpy, and let me tell you why I'm feeling fairly grumpy about this issue. The reason I wasn't in question period this afternoon is that I was at the Empire Club at the Royal York Hotel.

Mr Mike Colle (Eglinton-Lawrence): Shame.

Ms Churley: Yes, exactly—shame.

I managed, as I'm wont to do, to sneak in and actually have lunch with people from—

Interjection: Did you pay?

Ms Churley: Actually, I did pay.

People from the Sierra Club, Greenpeace and others who were there had a table, and I listened to Ralph Klein's speech.

Mr Bradley: How was it, Marilyn?

Ms Churley: I'm red-hot angry, or maybe it's white-hot; I don't know what it is. I heard him stand up there and tell, shall I say, canard after canard. We sat there and listened to this, where Ralph Klein comes to our province, not to sit down with us and talk about what our needs are in this province, but to stand up there with Mike Harris, for God's sake, on the stage with him and start telling us what we need to be doing here in this province.

Furthermore—talk about scare tactics—Mr Klein stood up there and started to basically threaten what might happen to jobs in Ontario if we actually don't go along with him and support his views on Kyoto. He talked about the contributions his province makes to provinces across the country that are reliant on good jobs and the tar fields in his province. He made people very angry and very upset.

Elizabeth May, who is a very well respected and well known environmentalist in this country, got tossed out of the room today. She was upset after. It's the first time in all her environmental career that had happened. We were sitting there, had to be quiet, watching Mr Klein say very untrue things about the real meaning of—

Interjection.

Ms Churley: It's true. I'm sorry; you've got to hear it—about the real impacts and what Kyoto is really all about.

I told you at the beginning that I'm going to tell you some of the things we're looking at if we don't move and move rapidly. How many people here have children? How many people here have grandchildren? How many people, if you don't have children, are planning to have children? How many people out there have children or are planning to have children or have grandchildren? Because this is what we are talking about today. Those of us in this room, I would say almost all of us—there are a few exceptions; those who are somewhat younger—are at a stage in our lives where pretty well everything we do now is not about us, it's about the future generations. You get to a stage in your life and you pass over—

Interjection.

1630

Ms Churley: Yes, but this is not just about jobs. This is about the jobs for our grandchildren and their children as well. This isn't just about the economy and jobs. Supposing you were on the Titanic, supposing—because that's what we're on here.

The Sierra Club of Canada makes a very good analogy, and I'm going to tell you what they said. They say, "To environmentalists"—and to me as well—"it can seem like the Titanic is heading toward the iceberg and the accounting department is still telling the captain 'full steam ahead' because it's concerned about an arrival-time bonus. What good will these be at the bottom of the ocean?"

That's exactly what you guys over there are saying. We are on the Titanic. We are heading for that iceberg. There's no more argument. Even Ralph Klein isn't bothering to argue any more that climate change is not a problem. There is no more argument about that. Over 1,000 international scientists got together and said, "We've got a major problem here and Kyoto targets aren't even enough."

I started to tell you about some of the impacts it's going to have on Canada and here in Ontario, the province that we're supposed to be taking care of. The global environmental effects include: the collapse of the ecosystems; risk of drought—which we're already seeing; flooding and other severe weather; reduced availability of drinking water; changing range of infectious diseases such as the West Nile virus—and let me tell you, the West Nile virus is just the beginning; that's pretty innocuous compared to what may be coming if global warming continues; and the rise in ocean level.

Let's talk about what that translates into in Ontario: lower Great Lakes levels and flow, which increases shipping costs, reduces hydro production, and reduces access to water—that's pretty serious. Think about how many jobs are going to be lost—not to us; we'll be gone—think of our children and our grandchildren if that happens; reduced water availability and water quality problems due to reduced flows and less groundwater recharge; heavier short-duration rainfalls causing floods; increased threats of pollution runoff; heat waves; increasing smog days and heat stress—which we're already seeing in this province and across the country—crazy weather patterns leading to paralyzing winter events, such as the ice storm.

Those are just a few of the things that we're talking about here, and I don't have time now because there are some other things I want to talk about to explain some of the ramifications and implications, catastrophic implications, when these things happen—and they will happen; they're beginning to happen; nobody's arguing that any more. We've got to do something about it.

So when I hear Ralph Klein get up and say that—let me give you some examples. For instance, he said, "We don't need a bunch of international theorists" to tell him or "to tell us what to do here in Canada," and then he went on and congratulated Mike Harris and what his

government did toward reducing its emissions and said, "Well, he didn't do it because of international agreements but he did it on their own." He's wrong. He got it wrong.

I don't know if you, the Tory members here, know that in fact we started reducing emissions in Ontario and we're behind on them because of—there are many different agreements, but there's a Canada-US, I forget the exact title of it but ozone annex, something agreement—with direct targets. That's why we started reducing those emissions here. So when the government and Ralph Klein says that they just did it out of their own ingenuity and common good sense, there have been international targets that we have—Great Lakes—there are all kinds of international targets that we've signed on to and that led to these kinds of proactive programs that have been put in place.

Mr Klein said, as the minister here says, that this is not a Canada agreement, that we need a made-in-Canada agreement. Well, it was our federal government, no matter what you might think of them, who were elected, who agreed to the deal and it was Canada who agreed that this country would sign on to the 6% at 1990 levels by whenever it is—is it 2012? By 2012. It was Canada who said we would do that. It is a made-in-Canada agreement. He was wrong on that one as well.

Another one that the minister here keeps repeating and repeating, and I believe my colleague Mr Bradley dealt with this, but it's the whole issue around—and Mr Bradley and I both got these letters from the industry group. I can't find their name right now—

Mr Bradley: A bogus coalition.

Ms Churley: That'll do. A bogus environmental coalition, an industry-based coalition who came here one night last week and a couple of days later to meet with MPPs. Mr Bradley and I, and maybe others, received this sample letter for members to give to their local newspapers with sample Qs and As: What is Kyoto? What does it all mean? Of course, it was accidentally sent to us. I didn't know that. I thought, OK, I guess they have the right to do this. I don't agree with what they're saying and we need to counteract it. I will use it in the House every time a government member stands up. I will say, "Oh yeah, I know where they got that information from." I know that they are being used as a propaganda mouthpiece for the anti-Kyoto industry—and not all industry is there; let me be clear about that. There are some industries who want to do the right thing here. Then we get a covering letter saying, "Oops, sorry; it wasn't meant to go to you." Obviously, it was meant to only go to Tories.

One of the myths that Mr Klein mentioned today, and the minister keeps saying over and over again, is that it is important to remember that the Kyoto Protocol does not address air pollution or smog. Those very important problems aren't covered by the protocol. What a load of bunk that is. He's trying to say to people, "Look, the kinds of things that you're worried about, smog days and air pollution, are not included here, so why worry about it so much?" For instance, if you shut down your coal plants, which contributes to climate change, you're also

burning far less fossil fuels, which contribute to smog, air pollution and about 29 toxic substances that are bad for us.

One of the other things that I want to say that I find—I can't use the h-word; I'll just say "the h-word" when I hear—

Interjection.

Ms Churley: The h-word could mean anything. You take it how you want.

Mr Spina: Point of order, Mr Speaker: is there a quorum in the House?

The Acting Speaker: Is quorum present?

Clerk Assistant (Ms Deborah Deller): Quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant: Quorum is now present, Speaker.

Ms Churley: I was just talking about the h-word—I heard the minister today, and I've heard other members from the Tory caucus over there and those who are opposed, like Mr Klein and others, say, "We don't have the details" in great histrionic tones. "You expect us to sign on when we don't have the details? It's a pig in a poke. We don't know what we're signing on"—hysteria and histrionics, hoping that the bluster will make it go away.

Interjection.

Ms Churley: Let me say to the minister who's laughing now as he blusters away, remember the free trade deal? Remember when, I believe it was then a Mulroney government who started—I have to say, the Liberals then proceeded to bring in—the free trade deal? Oh boy, do I remember this, because I was quite engaged on the opposite side of that issue. People like Chris Stockwell and Mr Klein were standing up saying, "Details? Oh, we'll work all those out after." And I've got the transcripts, so don't argue with me on that one. I remember categorically—

Hon Mr Stockwell: Show me those transcripts.

Ms Churley: I'll show you. I don't know about you in particular, Mr Stockwell; I'm talking about the right wing and a lot of industry-based who supported bringing on free trade. Talk about signing on without the details.

1640

When unions, workers, political parties and citizens' groups across this province were arguing, saying to the Mulroney government at the time, to the then Tory government here and all of the other right wing governments and those that wanted to sign on to the free trade deal; when we were all expressing concerns that we didn't have the details, concerns about the loss of jobs, all of those things that they are conveniently saying today, then it didn't matter, it was, "Hey, come on, trust us. We'll do the right thing. In fact, it will increase jobs. Things will get better."

I'm going to say to the minister, our side is not doing that. We do have plans to reduce these emissions; we do have the plans. Environmental groups like Greenpeace, like the Sierra Club of Canada and many others, TEA, the Toronto Environmental Alliance, all across the globe,

have hired scientists, have worked with scientists. They have data coming out their ears.

Even this government here put together, and I sat on it, the select committee on alternative fuel sources. Mr Bradley, the environment critic from the Liberal Party, and Steve Gilchrist, Doug Galt, from the government side, chaired it. Overall, that was a pretty good committee, but you know what? When the minister stands up and says we have to develop a plan—we've got a plan. We got a plan. In fact, we're moving toward a gaseous, hydrogen-carried energy system; that's what we're moving toward. If we start bringing in more and more green power and we find a way to generate the hydrogen through the power of renewable energy, we're on the road to sustainability. In fact, signing on to Kyoto and having a good list of ways we're going to achieve it here will put us in the forefront; it will actually create more jobs.

One of the interesting things that's happening is that CEP—a union that deserves credit and congratulations from all parties in this House—has taken a stand in support of Kyoto and meeting the targets. What they say is that they look at it as a forward-thinking job creation strategy that meets the Kyoto Protocol and protects jobs.

Instead, what we're seeing the Ontario Tories do here is more following in Alberta's footsteps and being on the wrong side of history here and on the tail end of investment. Everything is changing. In job creation in the energy sector, there are other jurisdictions that are far ahead of us. This is an opportunity for us to jump on that bandwagon and take the lead. I want to tell you this, and you may not be aware, that the truth is that jobs in the energy sector have been declining—declining—over the past decade, over 80,000 jobs since 1991 and still declining. It's true, Minister, it's true.

Killing Kyoto pretty much guarantees job losses in that sector without the aggressive accompanying new investment in green industry and energy and energy conservation and efficiency.

The challenge here is for Ontario to be a leader, which it used to be. It used to be all across the world.

Mr Sorbara: Before the NDP came to power.

Ms Churley: It used to be clear across the world, indeed much more so when the NDP came to power. When these—

Mr Sorbara: That's when the decline started.

Ms Churley: When these guys here—you weren't around then, Mr Sorbara. When the Tories were elected in 1995, they got rid of most of the environmental protection that we had in Ontario—in fact, under the red Tory government before, the Davis government, under the Liberals, under our government—including the energy conservation and efficiency programs that the NDP brought in; those were killed. The challenge is—

Interjection.

Ms Churley: I can't talk when you're doing that. The challenge is to make the inevitable transition from an economy heavily reliant on fossil fuels to one of energy efficiency, renewable energy and public transportation,

which the minister has been talking about. But when I said that you guys already have the plan, you said no, you don't. Well, where is your plan? You've had more than two years to be looking at it. I know ministries have been looking at this, and it's the first time I've heard you say, "Gee, the feds haven't told us what to do." That's a new one, isn't it? That's a really good new one. "We're waiting for the feds to tell us what to do," the Minister of the Environment whines. "They haven't told us, so we don't know what to do."

I would say to the minister that he should go to the recommendations of his very own select committee on alternative fuel sources. There are many recommendations in here. Should he put those recommendations on fast track, we would go a long way to meeting the targets of Kyoto.

What I don't understand—and I asked the minister yesterday in estimates, I don't get it. Mr Klein is saying that this minister is saying, "Well, gee, we want to come up with our own made-in-Canada plan. We want to come up with our own plan, and we don't want to sign on to Kyoto because we don't have the details." Come up with the details. Say, "We'll sign on. We're committed to meeting our targets, and this is how we're going to do it." Doesn't that make sense to you?

Mr Sorbara: That's what a good government would do.

Ms Churley: That's what a good government would do. So why not say that? It seems to me what the minister is doing is using the fact that they believe the federal Liberals have not consulted enough and they don't like some of their ideas as a reason not to sign on, not to try to meet the targets.

It's clear for the doubters—and we have many here—that implementation will not happen without ratification. We have seen how volunteerism works when it comes to volunteer compliance. It doesn't work, particularly because it doesn't create a level playing field. We've seen that. That's why a regulatory regime with clear targets, guidelines and outputs is important.

Industry doesn't like this, in fact. When you've got a situation where it's all voluntary, than the good guys do it—we've seen this—and the bad guys don't. Then you don't have a level playing field any more because the good guys end up spending more money to do the right thing, to put in the pollution abatement equipment, do the changes, whatever, and the bad guys keep on polluting, don't get charged for it and they go ahead. So you create a very unfair situation. Industry is far better off when there is a level playing field and they know that everybody is playing by the same rules.

Some industries do play by the rules, but there are an awful lot out there—you've got Mr Klein there today. He's not speaking up for his farmers; he's speaking up for the oil and gas guys who give him tons of money for his election campaigns. His farmers are already in serious trouble, partly because of global warming, and he is not speaking up for them. He didn't speak up for them today.

We're talking about ways to make this happen. What I would suggest to the minister and to all of us here, when

we get into this kind of normal, routine way we have of debating, of trying to one-up each other, trying to score points, trying to get our own plans out—and I'm going to do that now. I'm going to talk a bit about what the NDP has proposed. We're always happy to listen to what other people have to propose as well. I know the groups I mentioned earlier have some very good ideas. When we sat on the select committee on alternative fuel sources, we had incredible suggestions, recommendations and representations to that committee. Our ideas came from environmental groups, industry groups, municipalities, you name it. The ideas are out there.

We've seen what's happening in other jurisdictions, particularly Europe. But you know what? Ironically, even though it's quite true that George Bush has changed the landscape when it comes to environmental protection in the US and they decided not to sign on to the Kyoto accord, the interesting thing is that they are actually far ahead of us. Despite that, in terms of dealing with issues around global warming, they are far ahead of us. We have to sign the Kyoto accord and try to meet those targets just to catch up with them. So we can complain all we want about the US, that it wouldn't be a level playing field and it would interfere with our competitiveness, but in fact, if you look at what the US has done, it won't at all, because we have catch-up to do, and under this government we have more and more catch-up all the time. We have situations now where we see more and more hazardous waste coming into this province because the rules about the storage of hazardous waste have become so strong there that they can't store it there, so it's coming here. We've become the dumping ground for hazardous waste. Overall, they have much stronger environmental laws than we do here in Ontario and indeed in Canada.

1650

I want to talk a bit about why there are some concerns about the Ottawa Liberals. I'm talking here about the Liberals in Ottawa, who, we have to say—it has been problematic over the years. We should be further ahead than we are now. It took them a long time to show any leadership on this issue. I believe it's now because Prime Minister Chrétien is leaving and he wanted to leave a legacy and this would be a good one. Indeed it would. But the work that should have been done over the last several years, it is quite true, has not been done, although it is true, and the minister should be aware of this, that there have been round tables. A lot of the environment groups that I talk to, along with industry groups and others, were indeed invited to sit on those. So there is some background material. But I've got to say that over the past few years—and we're seeing a breakdown happening among some of the ministers now—the corporate and industry pressure is starting to rear its ugly head again, and I'm afraid it's going to delay the issue again.

When I read in the paper today that they're thinking about making deals with the likes of Ralph Klein, whom I have no use for whatsoever—if you heard that speech

he gave today and the way he provoked and made fun of those of us, the environmentalists and others, who are trying to come up with the right answer on Kyoto, it was just absolutely shocking. But now, when I hear Minister Anderson, the federal environment minister, say that overall he's thinking that what Ralph Klein is saying is not so bad, that there are some arguments about timetables and all of that kind of stuff but they're on the right track, and then we have Ontario saying they're looking at going the same route, we know it's going to go down the tubes.

I don't know if you're aware of this, Mr Speaker, but Ralph Klein's own made-in-Alberta plan or protocol would actually increase greenhouse gas emissions. That is a fact. The Alberta plan is an absolute joke and won't do anything but make matters worse, yet the federal environmental minister is saying that the kinds of things the Alberta plan calls for are not that far off what the federal government is considering except on the targets and timelines. I'm quite alarmed about that.

I understand that the federal Liberals are in a very difficult position; it's difficult working with the provinces on all of these things. But they've just got to take a tough stand here for the good of our country in the future and for the future of our children and for the economy.

What we've got to say to Mr Klein and to the federal government and to the minister here is that the targets and timelines are what Kyoto is all about. In fact, the key to Kyoto is making sure that those targets are met in reducing those greenhouse gas emissions within certain timelines or we'll be so far down that path, we'll be so close to that iceberg that like the Titanic we will go down, and once we start going down, all this talk about trying to balance jobs and the economy and, "It's not that bad," won't matter any more. Like the Titanic, when it has gone down, there'll be some people who will be able to get into lifeboats and swim away and pick up their lives again. But if people are concerned now about job loss due to signing this accord, just think about the implications of that.

When the minister says that nobody has a plan, nobody is telling them what needs to be done—I believe the minister is working feverishly away. I've been hearing from people that they're getting some phone calls now from municipal affairs and others asking environmental groups about some of the things they're doing, some of the things they've been suggesting, so I believe the minister is scrambling now to try to find a made-in-Ontario plan. Again, I despair of the fact that after all this time the government doesn't have a plan and doesn't say, "Here, yes, we'll sign on and this is the way we're going to do it."

There are lots of ideas out there and there are ideas that can be implemented, some faster than others, but again I want to say that when the Liberals talked about the situation when Inco was required to reduce its emissions—

Mr Sorbara: Thanks to Jim Bradley.

Ms Churley: Yes, it was Jim Bradley. He did a very good job on that and I supported him. I wasn't here then,

but as an environmentalist in the community I was there urging him on, behind him and making sure there were voices in my community supporting him.

Mr Sorbara: And the Tories were fully opposed to it.

Ms Churley: The Tories were fully opposed to it. But I would say it's quite true that once it happened, they knew they had to meet those targets, they met the targets and now they're doing better than they would otherwise.

Another example: when the NDP was in government, we forced the pulp-and-paper mills to reach zero levels for organo-chlorines by a certain date, which is a major environmental health hazard, and there was a lot of kicking, screaming and yelling. I know the Tories were opposed to it. Quite frankly, I can't remember if the Liberals were opposed to it, but I will find out. I'd like to think they weren't. But I do know that it was the same situation as with acid rain, Inco and the organo-chlorines: kicking and screaming, "Had to do it"—

Mr Caplan: Who was the minister at the time?

Ms Churley: I can't remember.

Mr Caplan: Was it Ruth?

Ms Churley: It might have been Bud Wildman. I know they both worked on this.

But the plants retooled, they reinvested and they ended up being able to compete with the Europeans. Part of the problem was, of course, that it was getting harder and harder to sell their paper in Europe. In fact, once they reduced and got rid of those organo-chlorines, they actually increased their market share.

There are all kinds of examples. Those are just a few of the things we've done here in Ontario that have made a huge difference. It gives companies, industry, the ability to be on a level playing field. But also, when there are clear targets and everybody has to play by the rules, and they've got to do it because it's breaking the law if they don't, they get on with it and they actually end up being more competitive.

That's what I said earlier about using the Kyoto accord, signing on, finding ways together to reach those targets, making sure we reach them and at the same time putting all the incentives in place. There are lots of ideas for those as well that came up in the committee I sat on for alternative fuels. We talked about the fact that energy conservation and efficiency are absolutely key—there are many "keys" to the Kyoto accord, and that's another one: shutting down the coal plants, bringing back not just the programs that the NDP brought in—we called it Jobs Ontario, green economy or something like that—retrofitting a building, just finding ways to conserve. We are real energy hogs here.

There are all kinds of things we can be doing that the government has the blueprint for. I'd like to call it "greenprint." We should be just moving forward and acting aggressively on all of those. Not only can we meet the target by 2012 but we would set an example, be the leader, show the way and be ahead of the target.

The NDP has a plan for accountable public power. We are the only party in this Legislature that is fully in support of accountable public power. We believe that has

to be the bottom line. You have to set the table with public power. Of course we have to change it from the way it used to operate when we were in government, and governments before, talking about a Titanic that needed to be turned around, and we were doing that. We certainly don't suggest we go back to the way the old Ontario Hydro was run, because it's quite true—and the minister says it was very difficult under that system to bring in alternative green power. It was a problem. We acknowledge that. The plan we have now would take that very clearly into account and would bring on wind power, solar power and other kinds of alternative green energy.

What we're calling for is no more coal. We all agree it absolutely has to go. It's archaic that we're still burning dirty coal.

1700

Mr Bradley: Ralph wants to build more plants in Alberta.

Ms Churley: Ralph wants to, it's true. I don't want to talk about Ralph any more. I think I've given him enough of my time today.

No more coal. Green power and conservation, those are the goals. Those are the keys to Kyoto: no more coal; green power and conservation; and the NDP plan for accountable public power. We would keep Hydro public to ensure a greener future.

Mr Sorbara: You can't keep Hydro public. It's not public any more.

Ms Churley: Absolutely you can. Only public power will bring it back. We'll make it public again.

Mr Sorbara: Oh, you'll bring it back. You'll buy it all over again.

Ms Churley: Yes. The Liberals don't agree with us on this and they're wrong. They went along with the government on it.

Interjection.

Ms Churley: I wouldn't provoke me on this, Mr Sorbara.

Only public power allows an early shutdown of Ontario's coal-fired generating stations and the replacement by conservation, renewable energy and cleaner-burning natural gas.

We've got a very aggressive target. I know what the minister says about the Liberal plan on this and the NDP plan. Our plan is the only way it can work, though. Closing down the coal-fired plants by 2007 under a private system is just not going to happen. It can happen with a public system with a very aggressive plan.

Mr Sorbara: Only the state can create great things.

The Acting Speaker: Order.

Ms Churley: What we would do is replace the plants with an extensive program of conservation. I've got to say again, conservation and efficiency are not talked about nearly enough; renewable energy and publicly owned, gas-fired generating stations. Instead of relying on private sector decisions with a desire to make profits, the NDP would bring publicly owned plants through Ontario Power Generation, with some changes in the way

it works. With power at cost instead of private profit, the costs would be \$2.50 per month for the average residential consumer.

We would require the Ontario Energy Board to give priority to conservation, efficiency and renewable power when new generating capacity is needed. They can't do that now.

We'd require all generators to produce an increasing proportion of the electricity they supply from renewable sources, like wind, solar and small hydro. By 2010, at least 10% of all power—and I say "at least" at this point—would have to come from renewables, and by 2020, at least 20% would have to be renewables.

Also, we'd impose what's called a system benefits charge of 0.3 cents per kilowatt hour to fund conservation incentives for residents and businesses. This would produce about \$450 million a year and would go to an independent conservation agency run by conservation experts. Only the NDP has an ambitious plan to do this.

In closing, I would urge the government to get off its high horse, stop making excuses for not being able to sign the Kyoto accord and show some leadership. Eighty per cent of residents in Ontario want you to sign that accord and tell us and Canada and the rest of the world how we're going to achieve those targets.

The Acting Speaker: Further debate?

Mr Gill: It is once again a pleasure to speak about Kyoto, against Kyoto. In fact, as you will remember, there have been a number of instances ever since Mr Chrétien decided, first of all, that he's going to finally leave. Eventually he set the date somewhere beyond 2003. He decided there's nothing that the people of Canada will remember him by. He wants to leave a legacy of having done something. He tried it with eliminating the GST. He wanted to be the one to eliminate it. Then he actually wanted to increase the GST. I don't know where that's heading. Nonetheless, now that he's finally leaving, he wants to do something about Kyoto.

Kyoto is something that was hatched in 1997, five years ago, and now all of a sudden there's a big rush in ratifying Kyoto, without even knowing what Kyoto is all about.

First of all, I want to assure this Legislature as well as the people of Ontario that the government is very conscious about protecting our environment. I think that's foremost. Premier Harris earlier and Premier Eves have both taken steps to protect our children from environmental hazards. Contrary to Liberal fearmongering, if you're looking for a sensible record on the environment that really matters, the Ontario Conservative Party is second to none.

It was this government of Mike Harris and Ernie Eves that established more publicly protected parkland in Ontario than the Liberals and the NDP before us. It was us on this side of the House who took steps to reduce car emissions through our Drive Clean program. The Drive Clean program has the added benefit of reducing emissions that actually cause smog. Smog, as I've said earlier, has nothing to do with greenhouse gases. Cutting green-

house gases is not going to reduce smog at all; they're two different things. When they say there's too much smog on a certain day, it has nothing to do with greenhouse gases. I've said it before: if you really look at the records, we have many fewer smog days now than we ever had before. I can go back to my days in Ontario, about 33 years ago. From 1999 to 2000, the program cut smog-causing emissions from vehicles in the GTA and Hamilton, the two program areas at that time, by 15.2%.

Our government has also been working diligently to prosecute polluters. We increased the fines and sentences for those who would recklessly destroy our environment.

In the Ernie Eves government, we are taking steps to close down the coal-fired power generators at Lakeview and across Ontario, and we have a firm commitment. In my riding of Bramalea-Gore-Malton-Springdale, Sithe Energies out of Oswego, New York, is planning to invest \$1 billion to build a plant that will burn natural gas to produce electricity. This is clean energy that does not create pollution.

As much as the opposition may wish to deny it, these positive actions are happening in an Ernie Eves Ontario. Our strong record of achievements backs up our commitment to sensible action. I say "sensible action" because it is what separates Ernie Eves's Conservatives from Liberals. Liberals will act blindly and try to figure out the consequences later. They will rush into projects and, after making a mess, will leave the taxpayers to pick up the bill. The Liberal resolution before the House today is an attempt to bind our hands to a policy no one knows any facts about. All we have are theories, projections, models, and scaremongering by radical environmentalists. Just because the word "environmental" has been placed on the Kyoto Protocol does not mean it's a sensible plan. Real environmentalists want us to ban all cars, close down our nuclear reactors and freeze all development. These people, like the Liberals across the way, care little about jobs or the costs of the projects, but rather would prefer that we acted, as they put it, "for the betterment of the planet."

For the record, no Conservative, Liberal or NDPer wishes to harm the environment. We on this side of the House recognize that we must carry on living and progressing. Ontarians are real people who want real solutions. All that we ask is that governments do not act in a way that will prevent us from earning a living and putting food on our tables. Most Ontarians do not know what the Kyoto Protocol is all about, yet this Legislature is being asked to support it and commit our tax dollars for many years to come.

There is no public outcry for Kyoto. The people of Ontario have not been marching on the Legislature, demanding that we pass Kyoto. They have not been calling my office, demanding that we support Kyoto, nor have they been doing that anywhere else in Canada. Yet we are being pressed to agree to this treaty today without knowing all the facts.

1710

First of all, we must ask, what is the Kyoto Protocol? I think that's a fair question.

Rex Murphy, probably the brightest mind at the CBC, said last night on the National, "I think Kyoto is Japanese for inexplicable." That's what he said. There you have it, the best explanation for Kyoto I've heard. Murphy went on to add, "Kyoto, despite the government's rhetoric now, was not logically arrived at after a long discussion. It was global policy for Canada on the fly." Never at a loss for words, Murphy noted, "Any scientist or layman who says climate change is a finished discipline, that it has the reliability or grounding of the real sciences, is either dreaming or ignorant."

Last night Rex Murphy raised two important points about the Kyoto accord, and I would like to explore both of them as they are the fundamentals of this debate. The first is climate change and the science around Kyoto, and the second is, should we ratify this treaty in light of its glaring problems?

Kyoto is not good science. It is a theory based on models and projections cooked up by thousands of bureaucrats in Ottawa and at the UN. These are the same people who 25 years ago were warning us about the coming ice age. Are their projections any better now? Their models may be more fancy and pleasing to the eye, but they do not make their theories any more factual today than they were 25 years ago.

Today we in the Legislature are being asked to agree to ratify the Kyoto Protocol and we are not even sure of the science behind it. What we do know from the C.D. Howe report is that it will not reduce any smog in Ontario.

Our Liberal friends would prefer that we ratify this treaty before we confirm the science. We on this side of the House, we common sense Conservatives, would prefer to confirm theories and double-check the facts before we rush ahead and spend billions of taxpayer dollars.

Lacking a solid, detailed Kyoto plan from the federal government, no one can honestly assess the consequences for Ontario if Canada ratifies Kyoto. We know that the federal government has projections in terms of job losses and higher taxes, but we cannot accept these numbers blindly. Many believe that the federal government's figures are really on the low end, and I can understand why.

Without a doubt, important questions remain unanswered. How badly will it harm the provincial economy? Will our current level of employment be sustained? Will Kyoto improve the quality of air in Ontario? Will our taxes be used to subsidize China, India and other nations through Kyoto credit sharing? Can Ontario's and Canada's economy cope with the increased competition from America and Mexico following the ratification of this protocol?

These are not inconsequential issues. The prosperity and well-being of all Ontarians depend on honest and factual answers to these questions. Let us not forget that our prosperity is the very thing that enables us to take aggressive, meaningful action to protect our precious air, water and land, our health care, education and jobs.

Families that are without work cannot be expected to make the environment their number one priority.

We in Ontario are fortunate that our economy is strong, and it is this strength that allows us to place strong safeguards for our environment.

I want to thank the members of this Legislature for allowing me to share my thoughts on the Kyoto Protocol. This is not to say we do not recognize there is more work to be done to improve our environment. Premier Eves and all members of the Conservative caucus want a cleaner environment. We all want what is best for our kids and for every child in Ontario. That is why we are seeking meaningful, common sense approaches to addressing our environment, while protecting Ontario jobs, Ontario businesses and ordinary citizens from the high home heating costs, new taxes and other unknowns that come with Kyoto.

It is time we sought a made-in-Canada solution which will include our major trading partners and which will keep us competitive. Let's not rush into agreeing to something the impact of which we do not know.

Ms Di Cocco: It's a pleasure to rise and speak on the motion by the member for St Catharines, who has been for a long time, I believe, a champion for environmental protection in this province both as minister and as critic. I don't think anybody would dispute that.

I think this is important, and I'd like to read it into the record.

"The Kyoto Protocol to the United Nations Framework Convention on Climate Change is an international agreement to reduce emissions of greenhouse gases that result, in part, from the burning of fossil fuels. A large body of scientific evidence suggests that greenhouse gas emissions are responsible for climate change....

"Under the Kyoto Protocol, Canada committed to reducing greenhouse gas emissions to 6% below 1990 levels by 2012....

"Implementing the protocol will require provincial co-operation since many of the actions Canada may want to take fall under provincial jurisdiction."

Thus, we have a responsibility at the provincial level to co-operate so that we can reduce these emissions.

One of the things about Ontario, as Canada's most populous province: in 1998, greenhouse gas emissions totalled 197 megatons. Emissions in Ontario increased 7.7% in the period of 1990 to 1998, and they were projected to increase, and have increased, more than 17% by the time we get to 2010.

I would like to see Ontario become a leader in setting the highest standards for health and safety and environment, and to create economic viability that would be an example of sustainable development. I don't know if the members on the government side understand this, but one of the new trends in corporate Canada and in the world is what you call a triple bottom line. A triple bottom line doesn't just talk about the economic aspect; it talks about the social responsibilities and also about the environmental responsibility. That is the balanced approach to sustainable economic development, something I don't

hear from the government side because they only look at it in a very, very narrow focus that is not about sustainable development; it's about short-term gain for long-term consequences.

Ontario has fallen behind most other jurisdictions in its environmental track record. Nobody disputes this. And no one disputes the fact that we've had many smog days this year, more than ever before in Ontario. The medical association figures of 1,900 premature deaths and 13,000 emergency visits because of poor air quality haven't been challenged by anybody. The question is, who is going to have the political will to actually take some steps to clean this up, and when? Is this cost in human life and health the price we're willing to pay to keep on the path of least resistance? That's what the neanderthal environmental comments from the government side are all about. I would like to give some examples.

I listened very carefully to the Minister of the Environment, and I have to say that the minister is a lot about theatrics: little on substance and a lot on bluster. That happens to be his style. I don't see any vision for progressive, sustainable development in Ontario. They are not with the public on this one. They're way behind the times. I'd like to say that this motion to ratify an international accord to set targets to reduce emissions is the right step to take.

1720

I don't know if anyone has heard of John Browne. Anyway, he is a chief executive with British Petroleum. He was hosted by the Stanford Graduate School of Business. He happens to be a business executive, and these comments come from what he said to the business school at Stanford.

"I found that climate change is an issue which raises fundamental questions about the relationship between companies and society as a whole; and between one generation and the next. It is an issue which is about leadership," which we obviously are trying to show, but the government doesn't want to follow the leadership; it follows what Ralph Klein is suggesting we do.

"How did we come to this issue?" he says, "What was the logic of the position" that British Petroleum "adopted five years ago?" He spoke in March of this year.

"First," he said, "it was clear that reputable science could not be ignored. The science wasn't complete—but science is never complete." That's a fact. He goes on to say this to the students, and these are the future business people who are graduating.

Hon Mr Stockwell: I got it, I got it.

Ms Di Cocco: I'm glad you have it, Minister.

"It was clear that the issue was global, potentially affecting everyone. And it was equally clear that the only practical solutions would be ones which recognized the human desire for improved living standards....

"That logic was the starting point of the international policy debate on the issue—at Berlin, Kyoto, in the UN Framework Convention and in many other" areas.

"In 1997," he says, "we accepted that logic. We accepted that the risks were serious and that precautionary action was justified. We were the first company in our industry to do so, and the first to say that if we were asking other people to take precautionary action we had to show what was possible and to set an example.

"That was a break with the consensus of the past—but a break was inevitable because companies composed of highly skilled and trained people can't live in denial of mounting evidence gathered by hundreds of the most reputable scientists in the world....

"That's why we set our own target—to reduce our own emissions of greenhouse gases by 10% from a 1990 baseline by the year 2010."

I listened to this man speaking, and he has shown that it can be done, and the reason he says he could do it was because there was a will to do it.

Unfortunately, we don't have a political will. I'd like to say again that this motion sets us apart from the Conservatives. The Ontario Liberals have the political courage, we have strong leadership, and we have the intellectual integrity to be on the right side of this environmental matter. I certainly hope the Conservatives will see the error of their ways and vote for this motion.

Mr John O'Toole (Durham): I really appreciate the opportunity to rise today on the opposition day resolution by Mr Bradley with respect to ratification of the United Nations Kyoto Protocol. I listened intently to both the minister here—Dave gave a very enthusiastic presentation—as well as the member for Bramalea-Gore-Malton-Springdale.

Earlier, I listened to the member for Ottawa South, and I think he hasn't been listening on this issue. Perhaps he's got to talk to the people of Ontario. Actually, the member for Toronto-Danforth, who spoke earlier, may have had it right. In fact, I want to start by giving her credit. She's been true and consistent—mostly wrong, but still true and consistent—in fighting this, with her friends from the Sierra Club and the other people with the bicycles.

I wouldn't like to discredit anyone's view on this. There isn't a person in this House who doesn't want cleaner air and a better environment for all of us and for our children. I think it's the wrong question we're debating and it's the wrong leadership by Jean Chrétien and his government. If you look back, it's my understanding that on September 2 he was at some convention or something. I'm not sure if he stayed up too late or not, but he made mention that he was going to ratify the Kyoto Protocol in Parliament before Christmas.

Prior to that, in the discussions I heard—this has been in the press for some time; it's not some recent news-flash—he was going to have consultations with our Minister of the Environment, with all the Ministers of the Environment from across this country. There were going to be consultations on this very important policy initiative, again reinstating the importance of having a clean environment. This is certainly key to our government. The member for Bramalea-Gore-Malton-Springdale has

demonstrated a number of initiatives, some of which I'll cover this afternoon in the very few moments he left me.

I want to put on the record here that since September, New Brunswick has stated that Canada should not act independently of the United States; Saskatchewan's industry minister has spoken against ratification prior to the release of the federal implementation plan; Alberta and Newfoundland have strongly opposed it; and Ontario and British Columbia are calling for more information prior to making decisions. I think that's quite important. In fact, Quebec and Manitoba have been the only ones, who have basically hydroelectric generation. My point, though, is that if you look at the conditions, Quebec in a press release said that their acceptance of ratification is conditional, respecting the implications of the protocol decision, upon Canada recognizing actions taken by Quebec. They want a side deal, as probably on most issues.

To date, the government has had, as has been said, many initiatives: Drive Clean has been talked about; the Lakeview re burning coal with respect to 2005; as important as tax incentives is a commitment to exempt biodiesel from the 14.3-cents-per-litre fuel tax—a very innovative approach; using alternative fuels in the government fleet; requiring mandatory monitoring and reporting of air pollutants and greenhouse gases; and establishing the alternative fuels committee, which brought forward a lot of policy initiatives which I think are important, like renewable portfolio standards.

The member for Bramalea-Gore-Malton-Springdale did say something that I want to pay attention to. Last night I also watched the National. I believe the CBC often has a broader liberal impression of the world, but Rex Murphy I think got it right. I think it's important. If I can find my notes on that, I will read into the record some of the comments he made.

"I can't be certain, but I think 'Kyoto' is Japanese for 'inexplicable.' Why did we sign on to Kyoto? Until the moment the Prime Minister did, it was to most people uncertain whether we were going to or not. There was certainly nothing like a national debate. There was the odd parliamentary exchange but there may not have been even a cabinet consensus. Kyoto, despite the government's rhetoric now, was not logically arrived at after a long discussion. It was global policy for Canada on the fly, so we didn't buy into it because we thought about it and debated it properly.

"Or did we sign on because of the science? But the science is only half-science. Any one scientist or layman who says climate change is a finished discipline, that it has the reliability or experimental grounding of the real science, is either dreaming or ignorant. A quarter century ago, the consensus of the world's climate experts, a phrase that should always be in quotation marks, told us we were heading for an ice age. They have not explained their massive turnaround, nor how their certainty then is any more to be trusted than their certainty now."

1730

So from the ice age we go on. I'm quoting again: "So we didn't sign on to it because of the science, because in

any real meaning of the term, the science isn't ready yet. Did we sign on to it because we knew what it would mean? How we would achieve its goals?"

I continue: "Well, we still don't know what it will mean, because the choices we have to make to meet its goals either haven't been figured out or they're"—

The Acting Speaker: Thank you. Further debate?

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): First things first: Kyoto's clearly about leadership, leadership that doesn't flinch in the face of a tough challenge. It's also about setting a goal. People say, "Well, what's Kyoto about?" Well, it's very, very clear. Anybody who has reviewed the protocol, as I have, knows exactly what it's about.

The references to not buying in, presumably because we want a made-in-Canada solution, well, that's exactly what Kyoto's going to be, a made-in-Canada solution. We made references in some of the ministry's own reports on the quality of air and on climate change, about working co-operatively to implement Kyoto.

A week or so ago we had this meeting downstairs with this Canadian Coalition for Responsible Environmental Solutions. I and a graduate student who works out of my office went down, quite excited about having some opportunity to dialogue, and we kept eating these little shrimp things and drinking the wine and such and talking to some really nice folk, waiting for the dialogue to break out. But you know what happened? No dialogue broke out; in fact, we had Minister Baird stand up and give a brief set of comments where he said, "You know, we don't want to rush into things. We want to make sure we have full discussion and debate before we do something."

Interjection.

Mr McMeekin: What was ironic about that is that both he and I had rushed down to this gathering downstairs after going through one of the many time-limiting motions to end debate on some item here.

I guess the other irony too is that this government is forever talking about important pieces of legislation—nutrient management, water systems and what have you—and they're saying, "Trust us. We want to get this in place. We're going to put the regulations there. We'll get the regulations there. Don't worry about it." But when it comes to doing something collaborative with 87 countries around the world and the other provinces and the federal government, they flinch; boy, do they flinch.

If you want some real dialogue, you ought to come out to my riding, ADFA, meet with our environmental advisory committee and speak to people like Dr Jack Santa-Barbara, who's a world-famous economist, who wrote a piece in the October 8 Spectator entitled, "Why Kyoto Is Absolutely Great for Business." Has the minister read that? You should. Good piece. It was a really good piece. Or meet with Martin Ince of the Positive Power group out in my riding, who is probably one of Canada's foremost authorities on wind power as an alternative to burning coal, which creates, what, 28% of our greenhouse gases in the province?

Kyoto is about transforming, not just tinkering. It's about moving away—I used to be a counsellor, a social worker before I came here. I can tell you that we would bump into a lot of alcoholics out there who would deny, deflect and delay things. When I look at what's happening in Alberta with their so-called plan, I see this same denial, deflection and delay. In fact, their plan makes things worse.

Some would say we need to take the lead from the United States, who hasn't signed on. I heard some of that. This is the same country that refused to sign the international land mines treaty, the same country that refused to sign the international human rights treaty, the same country, while they make military incursions around the world, that refused to sign on to the military world court tribunals.

Interjection.

Mr McMeekin: Well, listen: you can bomb the world into pieces, but you can't bomb it into peace. You should remember that.

On a good day, all members of this House get up and I think we look at ourselves in the mirror and we say, "We'd like to make a difference." What sort of world are we leaving our kids if we don't get on with the kinds of things we're talking about with Kyoto? Let's be honest about it. It used to be we could predict the seasons. Now we've got some moron at the National Post writing about how neat it is to be able to golf in the middle of January.

Fish stocks are at significant risk. We've fewer old growth forests than ever before. Forty years ago, 25% of our forests were old growth; today, it's less than 1%. That may be good for the GDP, but it makes a heck of a lot of difference to a 10-year-old who's walking through the forest. We have species being depleted now at 1,000 times the natural rate. Childhood asthma is skyrocketing. We've got a toxic soup of new illnesses and, as we look around, more stress, less free time.

Hon Mr Stockwell: It has nothing to do with gas emissions.

Mr McMeekin: The point I'm making is that it has to do with values, about the things we hold to be important and self-evident. I believe we need better measures of what constitutes our well-being. We may be better off materially, but our children, if we're not careful, will inherit a natural world that is significantly diminished.

I know that what is counted doesn't always matter and what matters isn't always counted. In that context, I believe that we need to create new social policy indicators, because what gets measured gets done. We need new indicators of our well-being that speak to what my colleague from Sarnia spoke of: the triple imperative that connects economic, social and environmental factors.

We need ecosystem indicators, something the Minister of the Environment should be interested in, that look at the ecological footprint we're leaving. We don't have anything that measures the irreversible loss of land conversion due to urban sprawl. We don't have anything that measures the irreplaceable rate of wetland depletion. We don't have any index for vulnerable threatened species.

Hon Mr Stockwell: Yes, we do.

Mr McMeekin: We don't. We don't have any natural land use account. If you can show me a natural land use account, I'd like to see that. We don't have a health-adjusted life expectancy index or a measure of the rate of new water-borne illnesses as a result of the environmental negligence that so many people have been practising in various parts of this country lately.

How does Kyoto show us the way? I think that's an important question. The minister mentioned free trade in the debate, by the way, a classic example of how we bought into something as a nation—

Hon Mr Stockwell: Who imposed it?

Mr McMeekin: It was a Conservative Prime Minister who proposed free trade and we bought into that.

Interjection.

Mr McMeekin: Well, it worked. I think in many areas, it has worked. It's a good example of how we get into things.

Mr Duncan: Six conditions.

Mr McMeekin: Six conditions, right on.

Kyoto provides some hope. It moves us away from our isolated perspective to a more collaborate model where we actually get to work with each other to find solutions. It gives us the opportunity to lead and express some of those new values that our kids are always talking to us about. It gives us a chance to reward environmental excellence, to emphasize conservation, to begin to work at the difficult task of changing consumer habits, to promote innovation and new technologies, the kind of job creation imperatives Dr Santa-Barbara talks about.

Since Kyoto was envisaged in 1997, the production of greenhouses in this province has increased by 18%. We're heading in the wrong direction. It's time to say "stop." It's time to say that we collectively care about the environment and the world we're going to leave to our kids and grandkids.

Some say there's no specific plan out there. I just want to share some of the things that have come out recently with respect to Kyoto. It talks about ecological tax reform, emission intensity reductions, carbon caps, carbon sinks—for those who may not know what a carbon sink is, it's tree-planting—carbon tax credits, alternate energy use, wiser public transit and more integrated land use.

Kyoto will help us to think smarter and plan better and to quit abrogating our responsibility and to work collaboratively on a range of issues to really give terms like "corporate social responsibility" and "sustainable development" some real meaning and teeth. Change is good; choice is better. There's a choice that's being offered on this side of the House. I urge all members of this House to make the right choice and vote in favour of this progressive, futuristic, people-oriented, environmentally oriented resolution.

1740

Mr Caplan: I am very pleased to speak to the resolution put forward in the name of the member from St Catharines, Mr Bradley, on ratification and Ontario's

support for ratification of the Kyoto Protocol. I'm even more delighted to say I will be supporting this resolution, and I encourage all members of the House to do so.

I am disappointed, however, to hear some of the smug, arrogant, even glib language coming from the government side, saying that people don't know what Kyoto is all about, that they don't understand it, this paternalistic kind of argument that somehow the public out there are children and now the petroleum industry is going to tell you what is the right thing to do.

We know where the speakers from the government side got their marching orders from. I have my marching orders from the people of Don Valley East and they are very clear. They know what global warming is. They know what greenhouse gases are. They know what impact these things have on their families and their neighbours. They want leadership and they want it now.

I speak a little bit from experience. In a past life I was a member of the recycling industry, where we reused metals to the effect that it was cleaner for our environment and made for a better world. It was also economically viable. Earlier, before I was a member of this House, I was a member of the board of education. We engaged in an energy retrofit program of all our schools through companies we engaged in a partnership, Tesco and Rose Technologies. We developed a unique technology for energy reduction, for the reduction of greenhouse gas emissions from our schools.

We projected a payback period of 10 years from the savings that would accrue through the more efficient use of energy. Lo and behold, what happened? A seven-year payback period, which meant that not only was the project self-financing, but we had technology developed in Canada; we had jobs created in Canada, in our schools; we had less energy consumption; we had fewer greenhouse gas emissions; we had more jobs created from this kind of leadership.

That's what the Kyoto Protocol is all about. It's about the will to lead. It's about going and developing new technologies that are going to benefit us all.

Kyoto is good for Ontario business. Kyoto may not be a great deal for other jurisdictions in the world. Perhaps Ralph Klein has a problem with it, but in Ontario's case this is a good deal and we should be signing on and supporting it, because we are leaders and have been, at least until the current administration has been in power, in developing unique businesses. We have world-class universities that give us a competitive advantage.

We can stand by and try to hold back the tide, or we can get in front of it, we can get up and surf on the wave and lead it and ride it out, and not only ride it out but we can thrive and prosper.

This is a real opportunity and the people of Don Valley East understand that. They understand that our seasons are changing, that our summers are getting hotter. They understand what our farmers are facing, that the most serious drought in years has occurred over the last short while. They know the government is making excuses for its foot-dragging because they are in the

pocket of the petroleum industry. They know that's not acceptable. They know it's not acceptable to blame somebody else or look to leadership at other levels of government.

It is the responsibility of the Ontario Legislature to stand up for the interests of Ontario—Ontario residents, Ontario businesses—and that's why I'm very proud to support this resolution standing in the name of my colleague from St Catharines, Mr Jim Bradley. That's why I'm proud of Dalton McGuinty and his plan for clean air, which is not only going to reduce greenhouse gas emissions, but is going to create new jobs in Ontario. That's what this is all about. That's why this is positive. That's why we should be supporting it.

This resolution is good for Ontario. It is leadership sorely lacking in the province today. I call on all members of this House—all members of this House—to support the ratification of the Kyoto Protocol and of the framework.

I want to tell you, Speaker, that I have been receiving on an almost-daily basis e-mails, phone calls and letters from Don Valley East residents who want to know why there hasn't been concrete action, why the Ontario government does not have a plan to lead the world in this regard. They want to know why.

Well, I say to the people out there in Don Valley East and across Ontario: there is a leader. There is a leader in the province of Ontario, and whenever Ernie Eves has the guts to call an election, there will be a change. There definitely will be the will to implement it and to make for not only a cleaner environment, not only better health benefits but new and creative jobs in sustainable industries and green technologies.

I'm proud of Dalton McGuinty and his bold vision, and I'm proud of my colleague from St Catharines for bringing this initiative forward.

The Acting Speaker: In response, the member for St Catharines.

Mr Bradley: The opportunity to wind up today—I must say I watched the press conference with Premier Ralph Klein and Premier Ernie Eves standing side by side, and if there was any doubt that the Conservative caucus might be voting for the Kyoto accord in this House, it was quickly removed when I saw those two standing side by side.

When I saw the lips of Premier Ernie Eves moving, in essence I could hear Premier Ralph Klein speaking. That's most unfortunate, because I don't consider the two of them to be exact in all of their views. I was very hopeful, I say to my friend from Ottawa, that instead of the attitude of the Harris government—which was obvious because they won't produce the information from the Ministry of the Environment; it was obvious that all they were interested in doing was thwarting and getting out of the provisions of the Kyoto accord—I would have thought that under the Ernie Eves government a new leaf would have been turned and in fact that they would have been moving in the direction of environmental improvement.

It is virtually impossible, then, to tell the difference between Ralph Klein and Ernie Eves. I know that Ralph Klein's job is to protect the oil industry; it always has been. He receives considerable support from it. But I've always thought it was the obligation of the Premier of the province of Ontario to protect our environment not only for ourselves but for future generations.

I have come to the conclusion, as I say, that the 411 pages that are being kept from me by the Ministry of the Environment are going to be embarrassing to the government because they'll reveal that the government is making no effort to deal with the provisions of the Kyoto accord. Instead of taking this challenge on, instead of moving forward so that all of us in this House could applaud the government, we see the government acting in a blocking fashion, cavorting with other provinces that are opposed to this particular measure, and that's most unfortunate.

I listened to these arguments against the banning of chlorofluorocarbons, which are CFCs. I listened to these arguments when there were ambitious programs to reduce acid rain. I listened to the same arguments from the same kind of industry coalition and anti-environment crew when we promised, after six years of it being on the books, to proclaim the spills bill, which was a very radical piece of legislation. Everybody said it could not be done, that you couldn't write any insurance in Ontario, that the world would come to an end; and of course it did not. It turned out to be a very progressive piece of legislation that has been hailed by people across this province and across this country.

So I cannot believe that there aren't some progressive elements in the Conservative caucus, few as they might be, who really, in their heart of hearts, would want to be voting for this resolution this afternoon. But it was clear from the speech of the Minister of the Environment, and it was clear from the performance of the Premier, standing side by side with Ralph Klein, that these people are going to be on the side of the oil patch.

The Acting Speaker: This concludes the time allocated for debate.

Mr Bradley has moved opposition day number 2. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1750 to 1800.

The Acting Speaker: All those in favour will rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic	Curling, Alvin	Parsons, Ernie
Bisson, Gilles	Di Cocco, Caroline	Patten, Richard
Boyer, Claudette	Dombrowsky, Leona	Peters, Steve
Bradley, James J.	Duncan, Dwight	Phillips, Gerry
Bryant, Michael	Gerretsen, John	Prue, Michael
Caplan, David	Kormos, Peter	Pupatello, Sandra
Churley, Marilyn	Lalonde, Jean-Marc	Ramsay, David
Cleary, John C.	Martel, Shelley	Ruprecht, Tony
Colle, Mike	Martin, Tony	Smitherman, George
Conway, Sean G.	McGuinty, Dalton	Sorbara, Greg
Cordiano, Joseph	McLeod, Lyn	
Crozier, Bruce	McMeekin, Ted	

The Acting Speaker: All those opposed will rise one at a time and be recognized by the Clerk.

Nays

Arnott, Ted	Hastings, John	O'Toole, John
Baird, John R.	Hodgson, Chris	Quellette, Jerry J.
Barrett, Toby	Hudak, Tim	Sampson, Rob
Chudleigh, Ted	Jackson, Cameron	Snobelen, John
Clark, Brad	Johns, Helen	Spina, Joseph
Coburn, Brian	Johnson, Bert	Sterling, Norman W.
Cunningham, Dianne	Kells, Morley	Stewart, R. Gary
DeFaria, Carl	Klees, Frank	Stockwell, Chris
Dunlop, Garfield	Marland, Margaret	Tascona, Joseph N.
Ecker, Janet	Martiniuk, Gerry	Tsubouchi, David H.
Elliott, Brenda	Maves, Bart	Tumbull, David
Eves, Ernie	Mazzilli, Frank	Wettlaufer, Wayne
Flaherty, Jim	McDonald, AL	Wilson, Jim
Galt, Doug	Molinari, Tina R.	Witmer, Elizabeth
Gill, Raminder	Munro, Julia	Wood, Bob
Guzzo, Garry J.	Mushinski, Marilyn	Young, David
Hardeman, Ernie	Newman, Dan	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 34; the nays are 50.

The Acting Speaker: I declare the motion lost.

It being past 6 of the clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1804.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Ancaster-Dundas-	McMeekin, Ted (L)	Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Flamborough-Aldershot			Chudleigh, Ted (PC)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Halton	Agostino, Dominic (L)
Beaches-East York	Prue, Michael (ND)	Hamilton East / -Est	Bountrogianni, Marie (L)
Bramalea-Gore-Malton-	Gill, Raminder (PC)	Hamilton Mountain	Christopherson, David (ND)
Springdale		Hamilton West / -Ouest	Dombrowsky, Leona (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hastings-Frontenac-	
Brampton West-Mississauga /	Clement, Hon / L'hon Tony (PC)	Lennox and Addington	
Brampton-Ouest-Mississauga	Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Brant	Levac, Dave (L)		Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kenora-Rainy River	Gerretsen, John (L)
Burlington	Jackson, Cameron (PC)		
Cambridge	Martiniuk, Gerry (PC)	Kingston and the Islands /	
Chatham-Kent Essex	Hoy, Pat (L)	Kingston et les îles	Wettlaufer, Wayne (PC)
Davenport	Ruprecht, Tony (L)	Kitchener Centre / -Centre	Witmer, Hon / L'hon Elizabeth (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Don Valley East / -Est	Caplan, David (L)	Kitchener-Waterloo	Beaubien, Marcel (PC)
Don Valley West / -Ouest	Turnbull, Hon / L'hon David (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Lambton-Kent-Middlesex	Sterling, Hon / L'hon Norman W. (PC) Minister of Transportation / ministre des Transports
Dufferin-Peel-	Eves, Hon / L'hon Ernie (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Lanark-Carleton	Runciman, Hon / L'hon Robert W. (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
Wellington-Grey			Cunningham, Hon / L'hon Dianne (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Durham	O'Toole, John R. (PC)	Leeds-Grenville	Wood, Bob (PC)
Eglinton-Lawrence	Colle, Mike (L)		Mazzilli, Frank (PC)
Elgin-Middlesex-London	Peters, Steve (L)	London North Centre /	Tsubouchi, Hon / L'hon David H. (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
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Essex	Crozier, Bruce (L)		
Etobicoke Centre / -Centre	Stockwell, Hon / L'hon Chris (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	London West / -Ouest	
	Hastings, John (PC)	London-Fanshawe	
Etobicoke North / -Nord	Kells, Morley (PC)	Markham	
Etobicoke-Lakeshore	Lalonde, Jean-Marc (L)		
Glengarry-Prescott-Russell	Elliott, Hon / L'hon Brenda (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance	Mississauga Centre / -Centre	
Guelph-Wellington			

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga East / -Est	DeFaria, Hon / L'hon Carl (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiles, ministre délégué aux Affaires des personnes âgées	Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	Galt, Hon / L'hon Doug (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Clearly, John C. (L)
Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Barolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Samia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Wednesday 23 October 2002

MEMBERS' STATEMENTS

Hydro charges	
Mr Bryant	2359
Women's Institutes	
Mr O'Toole	2359
Land development	
Mr Colle	2359
Tenant protection	
Mr Prue	2360
W. F. Hewitt public school	
Mr Barrett	2360
Kyoto Protocol	
Mr Bradley	2360
Public Library Week	
Mr Johnson	2361
Premier of Ontario	
Mrs Pupatello	2361
GO Transit	
Ms Mushinski	2361

REPORTS BY COMMITTEES

Standing committee on justice and social policy	
Mr Barrett	2362
Report adopted	2362
Standing committee on government agencies	
The Speaker	2362
Report deemed adopted	2362

FIRST READINGS

Celebration of Hellenic Heritage Act, 2002, Bill 193, Mrs Bountrogianni	
Agreed to	2362
Mrs Bountrogianni	2362

ORAL QUESTIONS

Academic testing	
Mr McGuinty	2363
Mr Eves	2363, 2365
Mr Hampton	2365
Environmental protection	
Mr McGuinty	2364
Mr Eves	2364
Kyoto Protocol	
Mr Hampton	2364
Mr Eves	2364
Member for Mississauga West	
Mr Conway	2365
Mr Eves	2366

Victims of crime

Ms Mushinski	2366
Mr Young	2366

Toronto waterfront

Mr Phillips	2367
Mr Eves	2367

Small business

Mr Johnson	2367
Mr Flaherty	2367

Social assistance

Mr Martin	2368
Mr Eves	2368

Supply teachers

Mr Agostino	2368
Mrs Witmer	2368

Urban strategy

Mr Gill	2369
Mrs Molinari	2369

Education funding

Mr Kennedy	2370
Mr Eves	2370

Polanyi awards

Mr O'Toole	2370
Mrs Cunningham	2370

Forest industry

Mr Bisson	2371
Mr Ouellette	2371

Land development

Mr Colle	2371
Mr Hodgson	2371

PETITIONS

Natural gas rates	
Mr Gravelle	2372
Custodial care	
Mr Kormos	2372
Physiotherapy services	
Mr Patten	2372
Child care	
Ms Martel	2373
Mr Kormos	2374
Optometrists	
Mr Kormos	2373
Audiology services	
Mr McMeekin	2373
Long-term care	
Mr Gravelle	2374
Ms Di Cocco	2375
Affordable housing	
Mr Caplan	2374
Children's health services	
Ms Martel	2375

OPPOSITION DAY

Kyoto Protocol, opposition day number 2, Mr Bradley	
Mr Bradley	2375, 2396
Ms Martel	2377
Mr Stockwell	2378
Mr McGuinty	2384
Ms Churley	2385
Mr Gill	2391
Ms Di Cocco	2392
Mr O'Toole	2393
Mr McMeekin	2394
Mr Caplan	2395
Negatived	2397

OTHER BUSINESS

Visitors	
Mr Kwinter	2361
Mr Kennedy	2361
Mr Peters	2361
The Speaker	2362

TABLE DES MATIÈRES

Mercredi 23 octobre 2002

PREMIÈRE LECTURE

Loi de 2002 sur la fête du patrimoine hellénique, projet de loi 193, M^{me} Bountrogianni	
Adoptée	2362

PÉTITIONS

Centres d'accès aux soins communautaires	
M. Lalonde	2373

CA20N

XI

-D23

Government
Publications



No. 47B

N° 47B

ISSN 1180-2987

**Legislative Assembly
of Ontario**

Third Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 23 October 2002

Mercredi 23 octobre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers

OCT 30 2002

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 23 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 23 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

GOVERNMENT EFFICIENCY ACT, 2002

LOI DE 2002 SUR

L'EFFICIENCE DU GOUVERNEMENT

Resuming the debate adjourned on October 21, 2002, on the motion for second reading of Bill 179, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act / *Projet de loi 179, Loi visant à favoriser l'efficience du gouvernement et à améliorer les services aux contribuables en modifiant ou en abrogeant certaines lois et en édictant une nouvelle loi.*

The Acting Speaker (Mr Michael A. Brown): Debate?

Mr Ernie Hardeman (Oxford): First of all, it's my pleasure to address this House but it's also my pleasure to speak to my constituents in the great riding of Oxford about this very important legislation that will benefit all Ontarians.

When my party was first elected in 1995 and earned re-election in 1999, we campaigned on creating efficient government, offering Ontarians the best delivery of service for their tax dollars. The Government Efficiency Act, 2002, is a continuation of this pledge. This is why I fully support this act. It's good for Ontario and it makes good sense.

The Ministry of Health possesses the largest budget of all of Ontario's ministries. This is why special attention must be paid to ensure that all spending goes directly to the delivery of health services. While this government is doing an outstanding job in reducing waste, we realize work still needs to be done.

The Ministry of Health and Long-Term Care has proposed amendments and repeals to existing legislation to improve access to the health care system, to improve administrative efficiency and to reduce costs to benefit all Ontarians. Some current acts this initiative will improve include the Health Care Accessibility Act, the Health Protection and Promotion Act, the Ministry of Health Appeal and Review Boards Act and the Trillium Gift of Life Networks Act.

While these are all noteworthy and relevant to the function of the ministry in our great province, I would like to place emphasis on the part of the act I believe will

be of interest to most Ontarians: the proposed changes to the Provincial Offences Act. Why? Because these proposed changes are good for Ontario and make good sense.

Currently, Ontario allows only for a six-month limitation period on prosecuting most health-related offences. Unfortunately, in many cases this is not enough time to identify and investigate fully possible violations. We need to protect law-abiding and taxpaying Ontarians from those who wish to steal from the system. They demand this from their government, and we have a duty to deliver.

Under the proposed changes, this government will ratify an unlimited limitation period. What this means is that those who choose to violate the norms of society will no longer be able to get away with their actions scot-free. Lawbreakers will no longer be able to look at a calendar and count down their days till freedom. This government is sending out a clear message: crooks who wish to steal from their fellow citizens will be prosecuted and brought to justice. This is good for Ontario and makes good sense.

Another proposed amendment will increase the maximum penalties applied to those convicted of transgressions to the Provincial Offences Act. This will allow the judiciary improved freedom to impose sentences that are currently not available. Those guilty of offences will face up to 12 months in jail and fines of up to \$50,000—stiff deterrents indeed.

Under this amendment, marked improvements will be made in ensuring the punishment fits the crime. Current penalties in some cases are too lenient and inadequate in proportion to the offences committed. By increasing punishment, this government is sending a clear message of zero tolerance for health care fraud and misuse. This again is good for Ontario and makes good sense.

Another amendment I would like to address deals with the subject of restitution. Under the current law, those convicted of transgressions are not required to pay restitution. This shocks me, as I am sure it does most of my colleagues. Stealing from the health care system not only robs taxpayers of their money, but also violates the sacred trust Canadians hold so dear to their hearts.

Mr David Caplan (Don Valley East): On a point of order, Mr Speaker: Do we have a quorum present?

The Acting Speaker: Is a quorum present?

Acting Clerk at the Table (Mr Doug Arnott): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk Assistant (Ms Deborah Deller): A quorum is now present, Speaker.

The Acting Speaker: The member for Oxford.
1850

Mr Hardeman: As I was saying, I, along with many of my colleagues, was shocked to know that fraud in the health care system is not punishable by restitution. In fact, there is minimal punishment for defrauding the system.

Simple punishment is not enough. Those caught pilfering from the health care system must replace what they stole. Thanks to the Chrétien-Martin government reducing its contribution to funding, money to invest in the system is very scarce. This is why this government is so committed to recovering funds unlawfully taken from our health care system. That, again, is good for Ontario and makes good sense.

I would like to urge all my colleagues in this House to vote in favour of the Government Efficiency Act. As elected officials, we owe it to the citizens of Ontario that their tax dollars are accounted for and those who wish to steal from them are brought to justice and punished.

Health care is the number one priority of Ontarians. We need measures to protect this investment. I fully endorse this act. It is good for Ontario, and it makes sense.

Bill 179 demonstrates the government of Ontario's ongoing commitment to good, efficient, modern government. This bill will be the 15th government efficiency or, as it's commonly known, red tape reduction bill passed since 1995. This bill contains in excess of 400 house-keeping amendments that can help to clarify, streamline and modernize dozens of acts on behalf of 15 different ministries.

The bill allows Ontario to tune up its legislation and ensures that our statutes meet the needs of Ontarians today, that our laws accurately reflect the changing needs of society and are consistent with shifting economic circumstances and technological advances.

This bill, if passed, would make improvements to customer service possible in a number of ways in ministries other than health. For example, changes contained within this bill will enable the Ontario Securities Commission to formally disseminate information by modern electronic means. How can it be smart or efficient to have legislation on the books in Ontario that does not allow the use of electronic means for communication?

By making amendments to the Commodity Futures Act and the Securities Act, the Ontario Securities Commission will be able to legitimately communicate new or amended notices, rules and other information to businesses it regulates via electronic means, such as Web site postings and/or e-mail.

These amendments will help ensure that in the fast-paced financial services sector, the Ontario Securities Commission, in certain circumstances, can receive information electronically and get it into the hands of those who need it in a timely fashion.

Cleaning up old rules that no longer pertain to a modern Ontario is all part of good government. This bill is all about keeping Ontario a modern, streamlined and responsive province with a government to match.

I encourage all members on both sides of the House to support this government efficiency legislation. This bill allows Ontario to improve customer service and achieve regulatory excellence. This bill will help Ontario continue to be a great place to live, work and raise a family.

With that many improvements, that much reduction in redundant legislation and that many new initiatives to make communications more effective in government, I strongly support this legislation and am pleased to have been able to say a few words on why I support this legislation on behalf of the people of Oxford county. Thank you again for this opportunity.

The Acting Speaker: Questions or comments.

Mr Caplan: I only have one question for the member from Oxford. The city strongly supports the act. On page 159, schedule I, the Ministry of Health and Long-Term Care, Independent Health Facilities Act, subsection 13(2) of the act is repealed and clause 18(1)(f) of the act is repealed.

Now, that doesn't really say what those sections are, but as I know, Speaker, and I know you know, those relate to the repeal of the cap on independent health facility licences. So, essentially, what the ministry is doing by removing the cap is they're creating a marketplace for these licences. You would know, Speaker, and the member from Oxford would know that in a previous act the government removed the Canadian non-profit restriction as far as independent health facilities. So essentially what's happening here is that the door has been opened for American for-profit clinics to be set up, and now the cap has been removed to create a marketplace for those licences.

The member has said he is strongly in support of this act. So my question to the member, and maybe I will get a straight answer, is: are you supportive of two-tier American health care? That's what this section will do.

Mr Tony Martin (Sault Ste Marie): I want to comment on the speech by the member from Oxford, however well-meaning. I must say I certainly don't read the bill in the same light that he does. If you hold up the template of this government's approach to how we organize the public affairs of the province, it certainly fits in this instance. This is an omnibus bill that covers a whole array of subjects.

It's also a bill driven by the Red Tape Commission that's about nothing short of reducing government's involvement in the public life of the province, turning over more and more of what we've traditionally done in this place on behalf of people in every community in Ontario and privatizing and deregulating all that is dear and sacred. In fact, if you look at this bill in any great detail, you'll find that even those pieces that present initially as having some value will, in the end, turn out to be of the same ilk as everything that we've seen come from this government so far.

When I spoke last week for the hour that I spoke, I suggested that this bill was less about reducing red tape for the many across the province and more about providing convenience for the few—those few who support, rather generously, this government as it wines and dines and has its big fundraisers and prepares for the next election.

There's a lot of stuff in this bill that it will be waving around as it goes to these friends and benefactors as signs that they have delivered. I daresay, just as the omnibus bill that put the megacity together, just as the omnibus bill that brought central control of education into the hands of the government at Queen's Park, this bill will, in many, many ways, do the very same thing.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The member for Oxford, I know, and this is a comment, would want to know about the Independent Health Facilities Act. This was a piece of legislation you might have thought was brought in by Mike Harris back in the late 1990s, but in fact, if you check the records, the door was opened to this by the Liberal health minister in the late 1980s. Who was the Liberal health minister of that day, the member opposite will wonder? It was Elinor Caplan, mother of the member opposite. She's the one that said, let's open the door to independent health facilities, let's get the money out of accredited hospitals, and let's let independent health facilities do that job.

1900

It was an idea—I thought it was kind of amusing that the federal government was complaining about the Premier of Alberta, Ralph Klein, and his similar legislation. We've had that in Ontario since the mid-1980s and it was brought in by Elinor Caplan, mother of the member opposite.

I've give you an example of what this would allow. Elinor Caplan, when she was Minister of Health, spent billions of dollars on private, for-profit health care. You know what they are? They're called doctor's offices. A doctor's office is a for-profit operation. So the next time you go to see your doctor, I say to any member or anyone watching on television, you're visiting a for-profit health care facility that was done by all three parties. I think our doctors do a phenomenal job. What this act could allow to happen—the specific section that the member opposite talks about in the schedule he referenced would allow, for example, if three or four doctors wanted to buy a CT scanner to serve their patients, this legislation would allow them. I know the member for Oxford would be most interested to know that and want to give credit to the woman who opened the door to independent health facilities, Elinor Caplan, now the federal Liberal minister.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I'm always pleased to hear my friend from Oxford speak in the Legislature. I was reading the Woodstock Sentinel-Review the other day and I noticed an interesting article about the Province of Ontario Savings Office. There does seem to be quite an interesting public activity around

Oxford county, as there is certainly in my part of Renfrew country, about the fate of the Province of Ontario Savings Office. Since Bill 179 relates to some of the activities of the Ministry of Finance and how, as part of this overall initiative, things are going to be streamlined to improve public services for taxpayers in the province, and since I've got a high regard for my friend from Oxford, I was wondering whether he might take this opportunity, under this particular legislation, to report to me, if to no one else, how, in the view of his good farm constituents down there in Durham and other such places, it's going these days trying to convince farm folk that services provided by the government of Ontario are going to be rendered more efficient by the privatization of the Province of Ontario Savings Office.

I'm sorry that time does not permit, but I will perhaps look for another opportunity to tell—I guess I can't use the expression “the truth” of the Independent Health Facilities Act, but I can tell you, the previous speaker gets much higher marks for energy than he does for factual accuracy on that particular subject.

The Acting Speaker: Response?

Mr Hardeman: I'd like to thank the members for Don Valley, Sault Ste Marie, Nepean-Carleton in particular, and Renfrew-Nipissing-Pembroke for their kind comments. I do want to suggest that I was intrigued by the comments from the member for Nepean-Carleton about the Independent Health Facilities Act and how it ended up being the legislation of Ontario. I didn't realize it was the mother of the member for Don Valley who initiated that piece of legislation.

I do want to say that providing better quality health care, fully accessible to everyone, is the intent of this legislation and this government. I think it's very important that we understand the importance of the words “red tape,” that we are removing red tape. Red tape is not things that are there to facilitate something positive to happen for the people; it is something that stands in the road of something positive happening for no good reason at all. That's what red tape is and that's what this piece of legislation is intended to remove.

I want to say to the member for Renfrew-Nipissing-Pembroke concerning the Province of Ontario Savings Office in Woodstock that, yes, it was in the Sentinel-Review, and the people in my constituency are very concerned that, whatever happens or whatever we do with government facilities, services will be maintained of the quality and quantity that they require. A number of people in the city of Woodstock and the county of Oxford are very concerned that in anything we do in changing government services, we provide high-quality, cost-effective services for their needs. I support them in that quest to make sure we do not reduce services by having other people involved with it.

I appreciate his comments about how he reads the Sentinel-Review and that the good word of Oxford gets around all of the province.

The Acting Speaker: Further debate?

Mr Conway: It's either Kormos or Bradley, so I guess it's Kormos.

Mr Peter Kormos (Niagara Centre): Mr Bradley may well be coming now that it's been—

Mr Conway: Is he allowed back in?

Mr Kormos: Of course Mr Bradley's allowed back in. If I had my way, he would have been in here yesterday afternoon and evening, but I tell Mr Bradley, that was a heck of a way to avoid House duty.

Mr Conway: Among other things.

Mr Kormos: Think about it. It was something I had perfected many years ago. Then, from time to time, the Speaker stopped accommodating me and I could heckle till the cows came home, I suppose, and still couldn't manage to get myself ousted.

The omnibus bill—we've heard about that. We've reflected back. Remember the first big mega-omnibus bill, the ominous omnibus bill, Bill 26, and the incredible things that were hidden between the pages of that volume?

Once again, in Bill 179, you're talking about a formidable piece of legislation, submissions from—what?—15, 16, 17 different ministries.

One I've seized on, most interestingly, is as a matter of fact in the very first schedule, schedule A. It's the amendments to the Domestic Violence Protection Act, 2000. When I read the amendments, I said, "Of course I recall the Domestic Violence Protection Act." I recall the Attorney General of the day—and for the life of me that goes back enough Attorneys General that I can't remember which one it happened to be, but the library is sending up the Hansard from the introduction of the bill and we're going to be able to identify that Attorney General. But I do remember the incredible fanfare—do you remember, Mr Martin?—that accompanied the introduction of the Domestic Violence Protection Act, and the urgency this government insisted surrounded it, to the point where the government wanted it passed with the briefest of all possible committee hearings and enacted into law. Already the Domestic Violence Protection Act, 2000, is being amended, but interestingly, the act still hasn't been proclaimed. Do you find that bizarre, Mr Martin? I suspect you do, because I certainly find it interesting.

Remember what this act was all about? It was all about purportedly protecting women, as we should be, from violent partners/spouses/others, giving those women access to a justice of the peace or other justice or judges, 24 hours a day, seven days a week, to obtain, among other things, exclusive possession orders so that they could compel the removal of a threatening or dangerous spouse, partner, whatever, from the domestic residence.

Nobody in this Legislature quarrelled with the proposition, but once we finally did compel the government to take it to committee hearings, we in the opposition, along with any number of commentators from the public, including a whole lot of people who have an incredibly strong interest and commitment to making sure women are safe in our society, pointed out that the act was fine and good—and of course Mr Bradley is here—but that

without adequate resources it's worth nothing more than the paper it's written on.

1910

It reminds one very much of the Victims' Bill of Rights, which, once again, this government and the Attorney General antecedent to the one we have now passed with such great fanfare. We discover, of course, that the Victims' Bill of Rights, although it was proclaimed—unlike the Domestic Violence Protection Act, 2000, which is being amended by this omnibus bill, even though the Domestic Violence Protection Act, 2000, still hasn't been proclaimed into law, notwithstanding the urgency that the government said compelled its speedy passage—we discover that the Victims' Bill of Rights was not worth the paper it's written on. Judge Day said that.

You'll recall, I'm sure, the now infamous and notorious judgment by Judge Day that was brought as a result of litigation entered into by two very brave women from down in Niagara region, one Linda Even, one Karen Vanscoy. Ms Vanscoy, whose daughter was robbed from her in a brutal murder, was denied not only any participation in the shameful plea-bargaining process that flowed but was not even given an opportunity to consent to the plea bargain—the deal that was arrived at. Ms Linda Even, a young woman from Welland, was brutally stabbed as she huddled under a blanket and stabbed viciously by her partner, not just once, not just twice, but over and over and over again till her blood stained that blanket and soaked the ground around her.

There's not a person in this chamber or a person listening who would doubt that that was the framework, the foundation, for an attempted murder prosecution. I just can't think of anybody in this province, anybody who is listening, anybody who would look at that situation and not understand that those were the facts that would inevitably give rise to a prosecution for attempted murder—it is nothing less, couldn't be anything less—that blood-soaked blanket, pierced so many times by Ms Even's assailant, in and of itself, even with no other evidence, and there was plenty of other evidence: there was eyewitness evidence of Ms Even, who miraculously survived that attempt on her life, this attempted-murder.

Well, once again, just as Ms Vanscoy was denied any rights that she had thought she had pursuant to the Victims' Bill of Rights, Ms Even was similarly denied rights when a sweetheart deal was struck with her former partner so that he was released from prison and any sentence long before she had ever fully recovered.

Ms Vanscoy and Ms Even had the courage and the commitment to the interests of victims to retain counsel, one professor Alan Young from Osgoode law school, and sued the government of Ontario for having had their victims' rights denied them—both of them victims, both of them led to believe, oh so clearly, if not by the legislation, by the statements made by the Attorney General to the Conservative government here in this Legislature, that the Victims' Bill of Rights was according rights to women. Both of them were denied those rights, but when

they had their day in court, this government, which purported to give victims a bill of rights, and surprisingly and astoundingly has continued to wave its Victims' Bill of Rights as some sort of hallmark in the history of this government when it comes to victim's rights—well, I suppose it is a hallmark, not one to boast about—the government's own lawyers, in response to the litigation commenced by Ms Vanscoy and Ms Even, both of them very brave women for whom I have incredible regard—the government's own lawyers went to court and pleaded with the judge, saying, "The Victims' Bill of Rights doesn't accord anybody any rights. You can't find in your judgment for these women." The Victims' Bill of Rights that the Attorney General of the day insisted provided rights to victims, and the Attorney General of today still continues, still persists, in maintaining it provides rights to victims, provides nothing, and Judge Day so found. Judge Day, for all intents and purposes, said that this government's Victims' Bill of Rights wasn't worth the paper it's written on.

Which takes me back to the Domestic Violence Protection Act, 2000, which is amended by this omnibus bill, which once again isn't worth the paper it's written on, because it hasn't been proclaimed, notwithstanding all the flurry around the announcement of this bill and the urgency with which it had to be passed.

In September 2000, over two years ago, the Conservative Attorney General, one failed leadership candidate, Mr Flaherty, then Attorney General, in a ministerial statement which followed his introduction for first reading of this Domestic Violence Protection Act, 2000, said, and I'm referring to Hansard of that same date on page 4205, "The proposed legislation is intended to reform and improve the effectiveness of restraining orders to better protect victims of domestic violence." Further on in the same page, the then Attorney General for this Conservative government said, "The Domestic Violence Protection Act would also help families at risk and victims of domestic violence to get a court order at any time of the day or night. It would make intervention orders faster to obtain and easier to enforce."

He then concludes his ministerial statement that followed his introduction for first reading of the Domestic Violence Protection Act, 2000, by saying, "Our reforms"—that is, the Conservative government's reforms; I assume he was talking about the Victims' Bill of Rights as well—"clearly show that the province of Ontario stands on the side of victims of crime.

"Restraining order reform"—that's this bill, the Domestic Violence Protection Act 2000, that's amended by this omnibus bill—"is yet another action our government is taking so that the people of Ontario can be safe and feel safe on their streets, in their neighbourhoods and, above all, in their homes." The bill indeed was passed relatively speedily but never proclaimed. Was this government so calloused and indifferent toward the interests of victims, especially women, so as to merely go through the exercise of introducing the bill and effecting passage so that it could brag about this government's

commitment to victims of crime? One is led to that irresistible conclusion. There's just no other way to look at it, is there? Because for darn near two years now, since the bill's passage, it's simply never been proclaimed.

The government backbenchers were herded into the committee room, those little trained seals—I can say that because earlier this week a Speaker ruled that one can call these guys trained seals.

Interjection.

Mr Kormos: The Speaker did, and as you know, I abide by the Speaker's rulings. Sometimes I skate close to the edge, but I try to avoid falling over.

So these trained seals marched, were herded into the committee room. You see, this is one of the sad, pathetic, tragic things about this Legislature. Committees are probably the most important stage in the process of the passage of a bill. It's where the real work ought to be done. That's where government members, as well as opposition members, can play a critical role in doing the right thing, in doing what's good, what's fair, what's just, and indeed, yes, in making this a better place, a better province, for its residents. Opposition members—I was on that committee, and I recall doing it myself, along with and certainly supported and reinforced by any number of submissions from members of the public, including women, advocates for women and advocates for the interests of victims, pointed out to this government that passage of the bill in and of itself, the Domestic Violence Protection Act, 2000, meant zip without adequate resources being available, including availability of justices of the peace. And we're talking about real justices of the peace, not some of the dogs that have been walked through the process in the most recent round of JP patronage. Take a look and quote me if you feel like it. The Attorney General has the report in his office that the Toronto Star revealed—what was it?—a week ago. Police forces across this province talking about—and look, I want to tell you, I know some very good justices of the peace—Mr Bradley will say the same thing—but I also know some patronage clowns.

1920

When I was confronted with the leaked report out of the Ministry of the Attorney General regarding concerns that were being expressed about some justices of the peace across the province—and again, I make it quite clear, not all, because I know some incredibly competent, hard-working, dedicated, professional, capable justices of the peace, and there are a whole lot more that I don't know—when I read the leaked report from the Ministry of the Attorney General that was intended to be secret, expressing concerns about the quality of the work of justices of the peace, I had no hesitation. Again, as the guy says on television, it was not rocket science to connect that directly to the patronage appointments, so similar to some of the most recent ones that we've suffered here in this province.

As an aside, let me say I understand patronage. I remember a federal politician of whom I was a big fan, Judy LaMarsh, many years ago. I remember one of her

observations in an interview. She was from down Niagara way, and when I was a kid she did a couple of things for me. But I remember Judy LaMarsh in an interview saying that patronage is the grease of the political wheel. It's the grease that makes the political wheel turn. I understand patronage. Fundamentally, patronage in and of itself—one understands it. It's not quarrelsome when it's patronage accompanied by competence. But that has increasingly become oxymoronic once again, hasn't it? When you have patronage just for the sake of patronage, you invite some awfully dangerous scenarios.

I was downstairs in the committee with Mr Martin this morning. I just briefly stuck my head in. Mr Martin has the dubious and unenviable task of having to screen some of the patronage appointments—sorry, some of the appointments—being processed in the agencies, boards and commissions committee; BAC, as it's called. I think Mr Bradley chairs it. I'm sure he did. When I see the dogs that are paraded through there, I feel like I'm obliged to lend Mr Martin, my colleague who sits on that committee for the NDP, a couple of muzzles and a training leash, one of those training collars that choke you up if you give a good yank on them so the dog doesn't get out of line. An untrained, undisciplined dog is inclined to do that.

Obviously one of the questions around this omnibus bill is, what the heck is this government doing? It's spinning its wheels, amending a bill that it passed almost two years ago but still hasn't proclaimed, a bill that it said was a feather in its huge cap of pro-victim, anti-violence legislation and policies; or more phoniness and outright hypocrisy to proclaim protection for victims, to proclaim that this government acts in the interests of victims, yet to betray them over and over again, as if the Victims' Bill of Rights and Judge Day's ruling wasn't enough of a lesson for this government.

Once again in this bill, you've got to dig deep, you've got to go through the minutiae. That's the problem with omnibus bills. This bill, in the very first schedule, already starts to expose this government and its betrayal of victims and women, and the goal of protecting women and kids against violence, because here we see the Domestic Violence Protection Act, 2000, being amended yet still not having been proclaimed.

Oh, it was so important and, oh, it was a hallmark piece of this government's law and safety, public security agenda. Oh, it had such urgency attached to it. There were press conferences coming out of your ears. There were backdrops and photo ops and entourages for the minister, makeup artists, scriptwriters and people handing him little packages, things to open up and read to this direction and telling the minister, "No, look there. Look there. The camera's over there." What have we got once again? Just like the Victims' Bill of Rights, when it comes to the Domestic Violence Protection Act, we still have zero, nada, zip from these guys.

The Acting Speaker: Questions or comments?

Mr James J. Bradley (St Catharines): The member is quite correct in talking about press conferences and

press availabilities and so on, a lot of fanfare to do with announcements and then finding out the announcements do not come into effect.

A good example related to this bill—I think he made reference to it—was that James Flaherty as, I think, Attorney General of the province made this statement, "Victims of domestic abuse will be able to get emergency intervention orders 24 hours a day, seven days a week. The new law sends a clear message that domestic violence will not be tolerated in Ontario." This was back when Jim Flaherty was Attorney General. He made those comments two days before the government's Domestic Violence Protection Act was given royal assent on December 21, 2000. What the member recognizes is that nearly two years later the legislation has yet to be proclaimed into law.

It's another example—and he and I have attended or heard of various announcements that are made, particularly in the field of justice and getting tough with criminals and helping out with violence against victims and so on. We have been to the announcements. We have received the glossy materials. We have read in our local newspapers and heard on our local radio stations about these programs, and when it comes down to if they've been implemented, has the money flowed, are the services in effect to protect people who are victims of violence, we find out that indeed that is not the case.

The member has made that case in this House time and time again. I think he's hopeful that some day someone is going to listen to that and that when announcements are made, there's actually some follow-through which is meaningful for victims in this province.

Mr Gilles Bisson (Timmins-James Bay): The member from Niagara Centre, in a colourful and very interesting way, brought to light a number of issues in this bill.

What we're saying from here is that the government comes forward with an omnibus bill that amends a great number of pieces of legislation, some of which are probably OK. They're innocuous enough and probably changes we can support, but buried inside this legislation is a whole bunch of things—and the member from Niagara Centre pointed out but just a couple of them—that really are problematic for the opposition.

He's 100% right when he talks about a government that tries to hide behind its law-and-order agenda and then when you take a look at the teeth of what they do in legislation, there's a great big press conference, the cameras are on, the minister's standing, smiling, has used the Brylcreem, the whole bit and when they make the announcement, you find out days later it's meaningless. He referred to Judge Day's decision that related to the Victims' Bill of Rights that basically said the Victims' Bill of Rights did no such thing as infer rights on to victims. All it was was basically another photo op for the then Attorney General and the then Premier to make it look as if they were the law-and-order guys.

Then he talked about—I think this is important to mention—this whole issue of patronage. All of us can

agree here that no matter who the government is, there are going to be some appointments from the government side. You've got to do that. I don't argue that the Tories shouldn't appoint any Tories, as I wouldn't argue that an NDP government or Liberal government shouldn't appoint some of theirs, but when you look at the quality of some of the appointments, you say to yourself, we understand you have to be partisan to a certain extent. You have to have some of your people on those boards to make sure your agenda's carried out. I understand that. But, God, some of those dogs, they bark pretty bad. I think that's what the member from Niagara Centre was trying to say when he talked about it being oxymoronic. We know there are some good-quality Tory candidates out there. Put those names forward. But some of the ones we've seen, quite frankly, aren't barking on all cylinders.

1930

Hon Norman W. Sterling (Minister of Transportation): This government made a tremendous step forward in bringing forward the Domestic Violence Protection Act. Perhaps we were too ambitious in bringing forward the act as it was in its original words, because essentially what the act does is provide, anywhere in Ontario, protection on a 24-hour basis, a goal I think every member of this Legislature, and more importantly the government, would support. However, when it came time to implement the legislation, it was found that it was not quite as easy as perhaps some people had thought it might be originally. Therefore, this legislation is simply an effort to change the legislation to allow the government to bring forward the legislation step by step, to do a pilot project in certain areas and then be able to measure what the need and what the resources will be for us to carry this out to its original intention, and that is to protect every woman—primarily women are involved with domestic violence—in every corner of our province on a 24-hour, seven-day-a-week basis.

For members opposite to portray this as a backing away from the original commitment is just wrong. We remain dedicated to putting a domestic violence protection system in place for battered women across this province on a 24/7 basis. But in order to implement this in a practical and responsible way, we need to do it through a pilot project, through a more gradual implementation schedule.

Mr Alvin Curling (Scarborough-Rouge River): Thank you very much for the opportunity to comment on the excellent presentation made by my colleague from Niagara Centre. I just want to follow up on what our good colleague on the other side, from Lanark-Carleton, just mentioned. He used words like "dedication" and "committed," but he has never executed all of this.

Two years ago, I understand, this was before the House and nothing was done. If you're listening to him today, you'd feel they are ready to move on some efficiency. Their efficiency is to just say, not do. It is pathetic to realize that they have the majority government and they could move on this legislation, yet they do nothing.

When it comes to victims, they are the best, most eloquent people to speak about what they may do and

what they could do and what they will do. But do they do it? No.

I would like to see a government, I would like to see the member over there, move on these acts that he talks about. It's pathetic. The only thing they're efficient at doing is putting closures and time allocation on bills to get it off the scene as quickly as possible. If they'd work as efficiently as they've done on time allocation, I think we may have something around.

I would like to say to them that the member from Niagara Centre more or less put more sense to what they were saying. If they could go back and revisit his comments, it may be quite helpful to maybe see a bit more efficient government.

We're very generous, especially the Liberals on our side, in offering you alternatives daily. My leader, Dalton McGuinty, each day offers alternatives to this government. Of course they're taking some, and we don't mind. The fact is, of course, that we are the only alternative. We hope you move on these things, stop talking about things and do something about them.

The Acting Speaker: Response?

Mr Kormos: I feel compelled to hearken back to the whole issue around victims and women as victims of violence. Jim Bradley and I were over at a dinner for the 25th anniversary of Women's Place St Catharines but a week and a half ago. While we were there gladly joining other people in saluting the history of that organization, its founding members and its succession of presidents, board members, volunteers and hard-working staff—both of us—we also decried the fact that there was oh so little to celebrate. After 25 years of this movement of shelters, women are still getting murdered and their kids are getting murdered and they're being maimed.

If you were really serious about protecting women against violence, never mind futzing around with your phony Victims' Bill of Rights or futzing around with your Domestic Violence Protection Act, 2000, which hasn't been proclaimed after two years. Get real. Start investing some real money to adequately fund women's shelters like Women's Place in St Catharines and Women's Place in south Niagara. Get real. Start restoring the investment in second-stage housing so that women aren't forced, as economic refugees, back into dangerous households.

My colleague this afternoon asked the Premier, "How does somebody live on \$520 a month?" While the Premier declined to answer the question, the point wasn't lost, because that's what a single woman on welfare gets. That's what a single woman who is down and out gets, who could be suffering from any number of mental diseases, mental illnesses, depression, who could have been beaten up and battered and knocked around—\$520 a month. Resolve that injustice.

The Acting Speaker: Further debate?

Mr Gerry Martiniuk (Cambridge): I'm pleased to speak in support of Bill 179, the Government Efficiency Act, 2002. If passed, this bill would clarify, streamline and update dozens of statutes affecting over 15 different

ministries. The bill would repeal 15 outdated acts and amend nearly 90 others. This government has already repealed more than 57 outdated acts, amended more than 200 acts and eliminated more than 1,900 unnecessary regulations since 1995. That's a lot, isn't it? That is a record to be proud of.

It just makes sense to have our statutes and regulations conform to the realities of the day. This bill would provide uniformity and clarification in numerous areas that are currently inconsistent and unclear. There are a multitude of housekeeping amendments that would clear up many of these inconsistencies.

For instance, the Ministry of Citizenship would amend the Human Rights Code to change the name of the Board of Inquiry to the Ontario Human Rights Tribunal. The intent of this change is to clarify the nature and role of the Board of Inquiry. As it stands, the board not only undertakes inquiries, it also renders decisions. The new name would give the public a clearer picture of its purpose.

Another example of the type of housekeeping matters this bill would carry forward can be found in amendments by the Ministry of Culture. The ministry would amend the Public Libraries Act to delete references to improvement districts that no longer exist. It would also delete distinctions in the act between library boards in large and small municipalities. Each board would now be composed of at least five persons, and no upper limit on board size will be stipulated by the act.

It would also harmonize the privacy provisions of the Public Libraries Act to make them consistent with the privacy provisions of the Municipal Freedom of Information and Protection of Privacy Act. These amendments would clarify that the right of a person to inspect a library board's records under the Public Libraries Act is subject to the same exceptions set out in the Municipal Act.

Bill 179 would also afford the Ministry of Finance the opportunity to make changes in the 1994 Credit Unions and Caisses Populaires Act. The ministry would amend the act to establish a consistent definition of the term "special resolution" and the consequential use of that definition in various sections of the act. It would standardize the requirements for special votes.

The ministry would also amend the Credit Unions and Caisses Populaires Act to modernize the way in which notice of meetings considering the expulsion of members is given.

1940

Another amendment that the Ministry of Finance would make to the Credit Unions and Caisses Populaires Act would be to clarify the confidentiality expectations to which directors, officers, members and staff of the credit unions are expected to adhere.

Clarification and consistency: these are two issues that are firmly addressed in Bill 179. The Ministry of Consumer and Business Services would also make amendments to the Land Registration Reform Act. These amendments would facilitate the filing of standard terms of agreement, which would be referenced in subsequent

registrations. This will result in reduced paperwork and the streamlining of procedures for registering interests in land registry offices in Ontario.

If the Government Efficiency Act, Bill 179, is passed, amendments to the Land Titles Act will similarly streamline procedures for registering interests such as deeds or mortgages by allowing the electronic filing of statements. This proposed amendment supports the general movement under the act away from the filing of affidavit evidence to statements in the registration of instruments such as mortgages or easements.

The people of Ontario deserve legislation that is relevant, current and up to date. Bill 179 would help bring our legislation in line with modern technological developments.

For example, the Provincial Offences Act would be amended to allow bail hearings in certain circumstances to be held by means of audio or video technology and to allow search warrants to be issued by fax. Not only would these changes help modernize our justice system, but they would have the added benefit of bringing them in line with the amendments made to the Criminal Code of Canada.

A modern, accessible and efficient justice system helps to make Ontario one of the best places to live, work and raise a family. As our government continues the task of building a justice system for the 21st century, this bill proposes to change 20 statutes and add one new act to streamline the administrative processes, improve clarity and update legislative requirements through the proposed Government Efficiency Act.

Some key items in this act are designed to protect vulnerable people, improve access and modernize our justice system. Ontario's reputation as one of the best jurisdictions in the world to do business would be strengthened by the new act, the uniform International Interests in Mobile Equipment Act.

The Domestic Violence Protection Act strengthens this government's commitment to address domestic violence, support victims and hold abusers accountable. To best protect victims, the Domestic Violence Protection Act would be amended to help ensure this complex piece of legislation is implemented as quickly and effectively as possible. If passed, these amendments would allow the necessary support to be built in to make sure the act makes a real difference in protecting victims of domestic violence.

The office of the public guardian and trustee protects the interest of some of the most vulnerable members of our society. Proposed amendments to the Public Guardian and Trustee Act would make it easier for the accountant of the Superior Court of Justice to locate and reimburse people who are properly entitled to funds that have been collected by the court through court orders. Currently, adults who had money paid into court on their behalf as children and who have become entitled to their trust funds may not be applying for these funds—perhaps because they or their parents have forgotten or because the person never knew the money was paid into court to

start with. If passed, the amendment would allow the accountant to locate and reimburse these people quickly and cost-effectively.

As the government of Ontario works toward becoming a world leader in developing government services electronically, proposed changes to the Evidence Act would authorize the conferral of official status on documents downloaded from the e-Laws Web site in accordance with the requirements set out in regulation.

Proposed amendments to the Courts of Justice Act would eliminate civil jury trials under the simplified procedure rule. The rule was designed to lower costs and expedite the hearing of cases at the lower end of the monetary spectrum in the Superior Court of Justice.

As I have already mentioned, the Government Efficiency Act also proposes a new statute for the Ministry of the Attorney General. The uniform International Interests in Mobile Equipment Act (Aircraft Equipment) would allow Ontario to ratify an international agreement among 58 participating countries. This agreement would provide for the uniform application of private commercial law for valuable mobile equipment. The proposed legislation is designed to protect the interests of Ontario-based credit-granting institutions when they lend money to companies that post highly mobile, unsecured collateral such as airplanes. The convention would also aid Ontario companies involved in the sale of aircraft and associated equipment.

The components of the proposed Government Efficiency Act that relate to the Ministry of the Attorney General would help protect some of the most vulnerable people in our province and would modernize and make Ontario's justice system more accessible. I urge all members to support this bill. Ontarians deserve legislation that is clear and concise. They deserve legislation that makes their life easier, not more difficult. Bill 179 would help Ontarians in their daily lives. It would remove much uncertainty, confusion and indecision about the mounds of paperwork that government has demanded from them in the past. For all these reasons, I urge you all to support the passage of Bill 179.

The Acting Speaker: Questions or comments?

Mr Bradley: One of the concerns I have about the bill revolves around a greater opportunity for the privatization of health care in Ontario. There is provision for changes to the Independent Health Facilities Act which I think militate in favour of moving even more toward a two-tier health care system.

We saw this first in Bill 26, the massive omnibus budget bill. One former Speaker called it an "ominous" bill as well as an "omnibus" bill, and he was right. Whether he meant it or not, he was right. At that time, it started to make the rules more lax.

If the government is going to embark upon a policy which will provide more magnetic resonance imagers—MRIs, as we know them—or CT scan machines for diagnostic purposes, my preference would be to see those located in public hospitals, in public facilities in the province, as opposed to heading out to the private sector and putting them in the private sector.

Why? Well, first of all, you have the expertise within the hospital system. Second, you have a willingness of the hospital system to assume responsibility for these machines. Third, you have patients who may be involved in the hospital in any event who would find it convenient to have access to these imaging machines right while they're in the hospital. Fourth, I think the public feels more comfortable when they're in public hands and when they believe there isn't one group who can reach into their pockets and buy their way to the front of the line. That's a great concern. Everyone recognizes that there should be a priority based on how desperately the person requires that diagnostic service. If it opens the door at all to somebody paying privately and getting to the front of the line, that's unacceptable to me.

1950

Mr Bisson: I listened to the comments from the honourable member from the government side. It's a little bit like what we were saying here a while ago, that much of what's in this bill—first of all, let's be clear: it's an omnibus bill that amends a number of pieces of legislation. I want to say again for the record, because the member's going to say, "Oh, you oppose everything in here," that no, there's a number of things we can support. The problem we have with your approach as a government is that you put inside the omnibus bill a whole bunch of items that you know darn well you couldn't support as an opposition party.

You've got one particular amendment in here—this one blows my mind. It's an amendment to the Employment Standards Act in which you're basically saying you're going to keep in place a provision that allows employers to block off the amount of holidays people can take, how they organize their holidays. For example, I get two weeks' holidays with my employer. It used to be that under the old Employment Standards Act, an employee could ask for that two weeks in a block of two. You're basically allowing the employer to block off that individual employee's holiday time into blocks of three days. So if I want to go on holidays with my wife and it's a two-day drive there and a two-day drive back, if my employer says no, even if I've got holiday time coming to me, there's nothing I can do about it. And you're saying to me, "New Democrats, why don't you vote in favour of this?"

The one that's really bizarre under the Employment Standards Act is that you're putting in a provision that says an employer only has to, once per year, tell an employee how many holidays he or she's got coming. Imagine this. It's the beginning of the year and I go to my employer and say, "Hey boss, how many holidays do I have coming?" The boss says, "Gilles, you've got three weeks," and I go, "Great." So I go out and I take a week—well, I can't take a week; I have to take three days, because the employer can refuse me my week—and halfway through the year I go to my employer because it's springtime and I want to go fishing and say, "Hey boss, I want to go on holidays. How many more holidays do I have coming?" He says, "I don't have to tell you.

The legislation says I don't have to tell you, and I'm not telling you."

Well, how can you vote for something as silly as that? Take this stuff and carve it out of the bill and maybe then we can support some of it.

Mr Hardeman: I'd like to commend the member for Cambridge for the very well-thought-out and well-researched presentation he made on Bill 179, pointing out the many changes required to reduce the amount of troublesome red tape that prevents good service from getting to people. I think he pointed out quite explicitly the improvements being made to the justice system to make sure that people who are involved in the system get justice delivered the way it should be.

An area that I thought was rather interesting was the issue of using technology for communications. I've had the opportunity a number of times in my riding office where people will call and have to communicate from the south end of the riding into the city of Woodstock to a government agency, but the government agency will not accept photocopies or fax copies of a document because it's not legal to administrate that way. It becomes very important, as this act will do, to allow more use of technology in communications to make services more available to people.

Another issue that I thought was very important—I've met a number of times with people representing credit unions who had great concerns that when they need to have a board meeting of all their shareholders to conduct business, with the cost of notification to people who would be eligible to attend these meetings, in the way it's prescribed, becomes almost impossible for them to do that. This allows that to be simplified in a way that they can conduct meetings in a cost-effective and efficient manner to serve their membership.

I think it's a very good bill and I very much appreciate the positive response of the member for Cambridge.

Mr Curling: I hear my colleagues talking about Bill 179, this thick omnibus bill, and that they're going to change everything. They're going to make sure they promote government efficiency and improve services to taxpayers by amending and repealing certain acts and by enacting a new act.

It was on September 25, I understand, that this was introduced here for the first time. Following the pattern of this government, you know they're going to put closure on this very soon or they won't go into public hearings so people can have a better understanding and read it properly, because they don't want them to know that they're changing all that.

As a matter of fact, my good friend the honourable Flaherty, of course, the Minister of Enterprise, Opportunity and Innovation, they've been trying very, very much to make sure that he has a job. So the first thing they're going to do is go around and change every little thing they can find in some form of bill and then say, "OK, we're going to frame it in a way that he can have some job description." But there are so many things.

There's the Human Rights Commission, for instance: I don't know if there's anything in here that's going to

make it any more efficient so that people are able to get justice. I don't know if they're going to do that. I don't know if there's any word on that. I don't know if the good Minister of Culture is responsible for human rights—I don't know which minister is responsible for that. I hope they are advocating that they make some amendments there, because I'm telling you, that Human Rights Commission has no teeth, so justice is not being delivered to those who have been subjected to abuses and what have you.

Someone mentions that violence to women had not been addressed. Women's Health in Women's Hands is a terrific organization that lacks funds. There is a need to address some of the great concerns of women and the limited resources they have. So with all these amendments of acts to make the government efficient, I hope they get to that and address that.

Mr Martiniuk: I would like to take the opportunity to thank the member from St Catharines, the member from Timmins-James Bay, my colleague the member from Oxford and also the member from Scarborough-Rouge River.

Many times in this chamber things seem a little cut and dried, and sometimes dull, because we're dealing with regulation and laws and—what's it all about? But one thing that stuck out in my mind as I read this was just the innovation of new technology; we're finally starting to apply that to the courts. One of the amendments would permit bail hearings using audio or video in certain circumstances, and one can readily perceive those circumstances as distance. A person has been charged with a crime or arrested, they have not been convicted, they could be innocent, they could be guilty, they are presumed innocent, and society has the obligation to provide them with a bail hearing to determine whether they can be permitted back into our society safely. It's important that that be done expeditiously, and fortunately modern technology permits us to do just that.

I'm pleased to see that, as just one of the things that could affect human freedom, included in this bill.

Mr Bradley: Thank you very much, Mr Speaker, for the opportunity to speak on this bill. There are a lot of important issues that are before us tonight other than the contents of this bill, but I want to try to concentrate as much as I can on the precise contents of this bill.

People in St Catharines used to be able to watch this on channel 15, which was very convenient for them, particularly those who had an older television set, because they could get the lower channels. It's now been relegated to channel 67 by Cogeco TV, and therefore a lot of people, particularly people of a modest or lower income, but just a few people who have an older television set, do not have access to it and cannot hear the pearls of wisdom of the Minister of Transportation or others in the House from time to time.

So I wanted to encourage, through this speech, Cogeco TV to bring the parliamentary channel, the legislative channel in this case, back to channel 15 or to a lower-level channel, instead of perhaps one of those channels

where they're simply selling things and they don't have to be that low on the pecking order, shall we call it.

2000

Tonight people said to me, "You're talking about a government efficiency bill. You know where we need some efficiency is with our hydro bills," because the hydro bills are skyrocketing at this time. There isn't a member of this Legislature, including, I happen to know, you, Mr Speaker, who hasn't had all kinds of telephone calls, e-mails, faxes and letters, and just personal conversations about the huge increase in hydroelectric power prices for people of this province. This bill—

Mr Garry J. Guzzo (Ottawa West-Nepean): Even in Toronto?

Mr Bradley: That is coming up in Toronto, I should tell the member. I'm glad he mentioned that, because this month we'll begin to see that happen in Toronto. I wasn't aware of that before, but the Toronto member said, "Watch the next bill. That's where you'll begin to see it."

Now, unfortunately, an efficiency bill of this kind doesn't deal with something like the hydro bills, nor does it deal with Highway—well, it does, because there is a provision buried somewhere in here dealing with Highway 407, giving more clout—someone will correct me if I'm wrong—to the Highway 407 Corp to collect from people. Apparently, if a cheque bounces, the government of Ontario now will go to bat for the Highway 407 Corp and inflict penalties upon the person who wrote the cheque.

Normally you're going to say, "Well, you can't protect people who write cheques that bounce." I agree with that, except sometimes it takes the Highway 407 Corp so long to deal with these matters that sometimes the person who had the money in the bank for that cheque may no longer have it in the bank. That's another matter. I'm glad I could tie it into this bill, because it's part of this bill.

I get all kinds of complaints about Highway 407, the gouging of people who use it. The cost of using it is phenomenal. I'm told that if you're an American travelling from, say, a border area like Niagara Falls, New York, to New York City, it would be cheaper to go to New York City using their toll system than it would to go across the top of Toronto on Highway 407. I've been told that by people who are frequent 407 users.

I was talking to a gentleman who was in my office the other day, who told me that he had an old vehicle that had never been out of a garage, had not been out of a garage in 10 years, that was being billed for using Highway 407. He was, needless to say, furious. So this bill does deal with that.

The member for Timmins-James Bay alluded to another small provision, perhaps not easily found in this bill, and that is that under the provisions of this bill, your employer need not tell you how many holidays you have. Well, I have staff who seldom take holidays, but occasionally they will take their holidays, and if they come up to me a second time and say, "Can you remember how many holidays I have left," apparently under this legislation I don't have to tell them. That's what I've

been told, under this legislation. I find that astounding. Nevertheless, I'm told that's within this legislation.

I wish the bill would deal with the doctor shortage in the Niagara region, particularly in St Catharines where people are beside themselves trying to get a family physician or general practitioner—indeed, in some cases, the services of a specialist. When a doctor retires now, the huge practice that doctor might have consists of hundreds or perhaps into the thousands of people who must then find another doctor. To this point in time, this government has not come up with a solution that is helping people in my community of St Catharines, or generally of Niagara, to secure the services of physicians, and indeed to persuade present physicians to stay in our area.

It's easier for those of us who have resided in the area a long time. We can go to one of our relatives or friends or neighbours or somebody we meet and say, "Is your doctor taking on patients? Would you check to see?" Someone who is new to a city or does not have a wide circle of friends or acquaintances has a much more difficult time obtaining the services of a doctor, particularly if that person has multiple medical problems and may be an elderly patient.

So I wish this government efficiency bill would deal with a very chronic and at the same time acute problem in my area, and that is the problem of people trying to obtain the services of a general practitioner instead of having simply to go to walk-in clinics, which provide a service but in the long term are not the solution to these individuals' medical problems.

I looked through the bill as well, because it's a thick bill, to see if it dealt with the issue of the double cohort, because I'm having people phone my office—you would have this in northern Ontario, people phoning your office now—saying, "What on earth is going to happen to my son or daughter next year?" Is she or he going to be able to attend the community college or university of that person's choice? Well, there were a lot of assurances from the government that this was the case. Sometimes even some of the university or college presidents said, "It's likely to be fine." Now we're finding out, under new figures, that's not going to be the case and we'll see yet another crisis upon us. Is that found in this bill? Unfortunately not. We can't deal with that.

But what is found is an easing of an opportunity, as I mentioned in one of my two-minute responses, for the privatization or the two-tiering of our health care system.

I believe in a health care system which is publicly funded, which is universally accessible, which meets the five requirements of the Canada Health Act. That requires a very significant infusion of public funds. That means we can't constantly be going through the procedure of giving countless tax cuts. We now have, for instance, on the books, ready to go, a \$2.2-billion corporation tax cut scheduled by this government. Second, the government is going to proceed, despite a lot of advice within the government and outside of the government, with its tax credit for students in private schools.

Not always, by any means, but very often these are wealthy families with wealthy students who are going to use this funding.

What has happened is that the government has created a crisis in the public education system which is compelling people to look at alternatives. In desperation, those people are looking to the alternative called a private school. This erodes the public school system to which most of us went and which at one time was, under the Robarts plan and Minister of Education Bill Davis, then Premier Davis, a very strong education system. It continued that way until relatively recently, where we see a very significant movement of students out of the system into the private system, aided and abetted by this government.

We see the government having spent over \$250 million on self-serving government advertising. The latest was on the education system. They have little Johnny, or whatever the child's name is in this case, who's having trouble reading. You see the caption on that: they say, "Phone the government of Ontario. We'll tell you how we're solving this problem." Well, if the Minister of Education wants to have a press conference in every community in this province to explain that, I have no objection to that. That's her prerogative. But when the same Minister of Education is spending hard-earned taxpayers' dollars on what most objective people would consider to be self-serving government advertising, that is not acceptable.

I wish this bill dealt with the issue of global warming. What happened this afternoon as we were speaking—and I didn't have that information available—was that a report came out. Quentin Chiotti of Pollution Probe was one of the authors of the study. This report deals with my part of the province as well as Toronto.

2010

"People in the Toronto-Niagara region can expect increased exposure to malaria, dengue fever and hantavirus in coming years due to climate change, says a major new report." That was released late this afternoon.

"The diseases are projected to spread because climate change favours the northward movement of disease-carrying birds, insects and rodents, says the study obtained by the Canadian Press" late this afternoon.

"The sudden spread of West Nile virus is an example of what to expect, suggests the study done by Pollution Probe in partnership with Health Canada and Environment Canada.

"It's the first comprehensive examination of the likely effects of climate change on an urban area in Canada.

"The health implications (of climate change) are pretty severe," Quentin Chiotti of Pollution Probe, one of the authors of the study, said in an interview" today.

"How prepared are we to deal with these kinds of risks? We need to develop a very co-ordinated, comprehensive strategy involving national, provincial and municipal players to effectively respond."

"Some of the study's findings:

"By 2020, excessive heat could kill over 400 elderly residents in the Toronto-Niagara region every year" and "more than 800 Toronto residents annually by 2080, a 40-fold increase over the current toll."

"The number of days with temperatures above 30 degrees Celsius could double to 30 days each summer by the 2030s.

"Ground-level ozone, a lung-damaging component in smog, is projected to double by 2080 across the region.

"The frequency of extreme weather events such as heat waves, wind storms and rain storms is projected to increase with associated increases in injuries, illnesses and deaths.

"The incidence of water-borne diseases could rise in communities that depend on wells, or in cities where sewer and storm-water drainage systems are combined.

"That's because heavy rains would increase the risk of contamination of drinking water. Water-borne disease outbreaks in the United States have been linked to heavy rain storms.

"Scientists have long predicted global warming will result in the northward spread of diseases now confined to hot countries, but the arrival of West Nile virus has made the risk more tangible.

"In the past, severely cold winters could be counted on to kill many disease vectors, but there has been a trend to mild winters," very probably except in your part of the country, Mr Speaker.

"Experts such as Paul Epstein of the Harvard Medical School have said the spread of West Nile virus to the western hemisphere is probably due to climate change, notably milder winters.

"What's scary to me is that there are now 69 (suspected cases of West Nile virus), 20 confirmed, in Canada," said Chiotti. "That's a fairly quick and rapid spread."

You ask, is this in the bill? Precisely: it's not in the bill. A Government Efficiency Act comprehensive omnibus bill would deal with a problem that's obviously growing. I know the government will want to address that problem.

But let me get to the bill itself, because that is what we're talking about this evening. I've already made some references to problems in it. What it does in a couple of specific cases is that it starts to exempt the government from FOI. For those who are watching at home, that's freedom-of-information provisions.

Mr Guzzo: Who's watching? It's on channel 77.

Mr Bradley: Channel 67, I say to the member.

I can say this: Bill 179 makes specific amendments to both the Securities Act and the Commodity Futures Act that will keep important information out of the hands of the public and will remove legislative oversight of certain government appointments. That is a backward step. At a time when people are looking for more insight, more oversight, more accountability, we find that the government is withdrawing those provisions, trying to keep this information secret from the public. It reminds me of the 107 pages of material that the Minister of the Environ-

ment is keeping secret from me, the news media and the people of the province concerning the Kyoto accord.

The Securities Act is amended to add a new level of exemption from freedom of information for the Ontario Securities Commission. According to the amendment, in addition to other exemptions the OSC will not be required to disclose any information that they receive from "any person or entity other than an employee of the commission, who provides services to the commission." Most of us in this House would say that's a major backwards step, particularly with all the corporate scandals we have seen.

Ontario Liberals believe that more transparency in government is required, not less. That is why we oppose further freedom-of-information exemptions such as this one. Earlier this year, for instance, we heard that the Eves government had allowed extravagant spending and serious mismanagement to occur at Hydro One. The government of Ontario is in charge of Hydro One. Because Hydro One was exempt from freedom of information, the public learned about what was happening only after Ontario Liberals uncovered information contained in IPO documents.

Mr Caplan: Thank you, Gerry Phillips.

Mr Bradley: IPO documents, and that's thanks to Gerry Phillips.

But what I'm saying is that it wasn't because of freedom of information, because you people had exempted Hydro One from freedom of information. So the public who are getting their bills now, opening them up and seeing huge increases are saying, "My gosh, this is terrible."

Interjection.

Mr Dwight Duncan (Windsor-St Clair): I thought the GST was a Conservative tax.

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): Another Conservative government.

Mr Bradley: I'm glad the Minister of Municipal Affairs has raised the issue of another Conservative tax, the GST, being applied. But I don't want to be distracted.

There's an amendment to the legislation contained in here that means appointments to those important boards—that's the Securities Act, the Commodity Futures Act—will no longer receive the scrutiny of the very assiduous government agencies committee of the Legislature. We believe that the legislative process for public appointments should be respected. The government has a responsibility to make their decisions open to public scrutiny. Instead, they continuously try to circumvent the rules, making decisions behind closed doors and keeping them secret.

The member for Sault Ste Marie sits on the committee. He would like to see and all of us who sit on the government agencies committee—I'm neutral and above all this—would like to see the careful scrutiny of those who are being appointed. You would know that when you're the Chair of the committee, you're totally objective so you cannot necessarily draw these conclusions, but I am told by others that we're seeing a continuous stream of

former Conservative candidates and former Conservative members and all kinds of friends of the government being appointed to agencies, boards and commissions.

Mr Guzzo: Senator MacAulay.

Mr Bradley: I know that the former member from the bench, the judge himself, my good friend Garry Guzzo, would be concerned when he sees some of the judicial appointments being made now. They may not be the highest-echelon appointments, but they are nevertheless important. As a judge of great capability in years gone by and of wonderful judgment, he would recognize how important it is to have as much public scrutiny of these kinds of appointments as possible. This bill starts to remove that.

The Acting Speaker: Questions or comments?

Mr Bisson: I just want to agree with some of the comments made by my good friend from St Catharines. I've got to say—most members may not have picked this up—we all know that Mr Bradley was turfed out of here the other day.

Mr Caplan: Welcome back.

Mr Bisson: Welcome back, number one. Most members won't remember—that's the first time since I've been here that I've ever seen him thrown out, and I was very surprised the other day. It's nice to see him back. That's an interesting thing in itself, because I've had the occasion of being turfed a couple of times in my 12 years here.

I just want to say, along with the member from St Catharines, that there are a lot of things inside this bill that really are kind of strange. One of the provisions you have in this bill is that you're saying to the Highway 407 Corp that in terms of all those people they deem to be deadbeats, not having paid their fines, you're going to give a private corporation the ability to suspend somebody's driver's licence. I think there are some issues here from the perspective of why we should give a private sector operator that kind of power, because it can be abused. We already know there are all kinds of problems on 407, how they administer—

Mr Rosario Marchese (Trinity-Spadina): The rates.

Mr Bisson: Never mind the rates; it's a question of—

Mr Marchese: But that is a big one.

Mr Bisson: That's a big issue, but the other thing is what's happening with people when they try to deal with the Highway 407 Corp. People have transponders and the battery dies; they end up going through the electronic toll and they don't know the battery's dead, so they're getting fined. People say, "I'm not paying the fine. I had no way of knowing the battery was dead." So they call 407 and they can't get a hold of anybody. They go to the kiosk, and they say, "We can't give you a new battery without a little slip you get from 407. And by the way, you've got to call to get it." And there's no phone at the booth to get it. How do these people pay their fine? So at the end of the day, you've got a whole bunch of people who are mad, who don't want to pay these things but have to, but they can't get hold of Highway 407 Corp. And you're going to give these guys the ability to withhold and with-

draw somebody's licence? I think that's a little bit over the edge, and I would think my good friend the judge is going to have something to say about that.

2020

Mr Guzzo: I'm always eager to respond to the member from St Catharines. I want to deal with the first point he made, and that was the move by the television authority in his hometown to take this program to channel 67 from channel 15. I have to suggest to him that I commend them for it if the educational value of the debate we just heard continues to plummet. We always had the argument that we could at least maintain the level of channel 15 because of the entertainment value. I'm afraid to suggest that even that is in decline, and I think he has to take a good share of the responsibility for it.

One of the serious points he made with regard to the bill was the judicial appointments. I think that's a very valuable comment. I go back to when I was appointed. All appointments were vetted through the Judicial Council. The chief justice of all the courts in Ontario had to vet and approve the appointment before the Attorney General of the day was allowed to make that appointment and announce it. And then we got to a more common situation, and that was taken out of the hands of the senior justices of the superior court, county court etc and turned over to a citizens' committee. This was supposed to improve the situation, was supposed to be an improvement on that basis. Indeed if it was a question of recruitment and recommendation, it was, but as far as the approval process, it was a step backwards, and some day it should be recorrected.

Mr Tony Ruprecht (Davenport): The Minister of Citizenship just walked in. I'm delighted that he's here so I can address him and say a few words.

First, let me point out very quickly that the member from St Catharines is saying something very significant in terms of the freedom of information disclosure. We didn't know, we didn't have the right, in fact, to find out about Hydro. That was kept away from the public and consequently we didn't know. Now, when they get the new bill, how is a person on a fixed income, whose rate is going to almost double—in fact, sometimes it's more than double—to be expected to pay their bill? When these bills hit Toronto, all your phones are going to be ringing. Whether it's Mississauga or Oakville or whatever, they're going to ring off the hook.

But what I really want to address, since the minister's here—I'm delighted he came. Let's talk about citizenship. What's really strange about this is that on the one hand we're supposed to people that we are in a global competitive situation and we need skilled immigrants: "Let them come. We want them to come over here because we want to be competitive." What happens, when they finally arrive, is that the doors are closed and our professional associations are saying, "No, sorry. I'm glad you came, but you can't practise." Now what the heck is that? Then what happens? All these people in the meantime are driving taxis and cleaning restaurants. They're then forced to look around and make a living,

and what do they do? They're highly skilled. They're leaving. They're going to the United States, to other countries, because there the system is more open and they get jobs and they can make a living. But they come to Canada first; this is their preferred country.

Mr Marchese: They can go to Newfoundland.

Mr Ruprecht: That's a different story. Don't interrupt me here.

The point simply is this: that the minister's here and he's got the power to do something about it. The government can open its doors. Let's do it, because these people have the right to produce, the right to—

The Acting Speaker: Thank you.

Mr Martin: It's my great pleasure to stand and comment on the comments of the member from St Catharines. I know that right from the start, the member for St Catharines has been quite upset that he only had 10 minutes tonight to speak to this very important subject.

Mr Bisson: Ten?

Mr Martin: Did you do 20? Oh, he got 20. It's going to 10 next. He'd be quite upset about that, because I know he doesn't like the way the rules have changed around here. We're bringing in these huge omnibus bills—you can hardly carry them into the House, they're so big—and then we're expected to dig through those bills, deal with the detail and carry out our responsibility here in the very short period of time we get. Twenty minutes—imagine. There used to be a time in this House when you could talk all night. The member from Niagara Centre was a master at that. I think he went for two or three nights here at one point when he was talking.

But the member for St Catharines is always ready to talk about, in these big bills, there being things that are supportable but that there are always hostages. I call them Trojan Horses. There are pieces in these bills that kind of jump out at you. They don't come out at you all at once, but if you take the time to go through them—we don't get the time here, actually, to go through these bills—you begin to understand that bill after bill after bill, they're all pretty much the same.

I know the member for St Catharines, if he had had the time, would have wanted to talk about the gas-busters. Did they show up in St Catharines? I was wondering the other night where they went. They were there one day, out in front of the gas pumps for a photo op, and then boom, they're gone. I was saying that it's too bad the Red Tape Commission didn't go the same way, because none of the stuff they deliver here is in the interest of the common good or the broader population. It's all convenience for those who are well placed and the small majority of people—

The Acting Speaker: Thank you. Response?

Mr Bradley: I thank the members for Timmins-James Bay, Ottawa West-Nepean, Davenport, and Sault Ste Marie for their wonderful contribution this evening.

I want to take up something the member for Sault Ste Marie just mentioned, and that is the existence of the gas-busters. Now that I see gas prices at the pump soaring out of sight, the last thing I can see are any of the gas-

busters—that is, Conservative members of the caucus who had nothing else to do and were assigned to go out to pretend they were going to have some influence on gas prices. Actually, the only answer they ever gave over the years was to point in the direction of somebody else, Ottawa or the United States or somewhere else. But they did take this challenge on, and the prices have gone up since we had the gas-busters instead of down.

Hon Mr Hodgson: Should we roll back the prices?

Mr Bradley: I must say to the Minister of Municipal Affairs, who interjects, that the briefing notes found in the Minister of Consumer and Commercial Relations' book and the Minister of Energy's book have not changed in the 25 years I've been in this House. They all give the same answer. They get up and say, "We are monitoring the situation, and we're going to have meetings with officials from the oil companies." Meanwhile, I often hear these people—and you up north really feel this. You always have the representative of the association—if he's watching now, or monitoring, I'll get a letter from him—saying, "We don't fix the gas prices. They just all go up to 75.6 cents at the same time." You drive around the city and you see they're all at 74.6 or whatever they happen to be. There isn't anybody who believes that. The gas-busters must have found that out. What's unfortunate is that the gas-busters themselves appear to have run out of gas and the gas prices are soaring in the Eves Ontario.

The Acting Speaker: Further debate?

Mr Duncan: I'm pleased to join the debate tonight on Bill 179, the so-called Government Efficiency Act, a Trojan Horse bill, an omnibus bill, a bill that again, in two specific cases, is going to attempt to do things that I think the government really didn't want the public to find out about and things that really don't deal with efficiency at all but rather deal with the government's desire to keep information from the public in some very specific areas, number one, and number two, move Ontario closer to a two-tier health care system.

So I'll spend the first few moments of the 10 minutes I have dealing with the issues that are in the bill, and I'd like to address a few things that should have been in the bill that have been omitted by the government.

The first point I'll deal with is the question about moving Ontario closer to two-tier health care. We're dealing here with the Independent Health Facilities Act. In the Independent Health Facilities Act, a facility of such a nature is defined as one which one or more members of the public receive services for which facility fees are charged or paid. There are approximately 1,000 of these facilities in Ontario. Most provide imaging and other diagnostic tests. Others provide treatment and surgical services that were historically performed in hospitals.

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The so-called IHFA, the Independent Health Facilities Act, was brought in in 1989 by the Peterson government. It specified licensing, funding and quality assurance requirements for these facilities providing medical procedures traditionally performed in public hospitals. The

main purpose of the bill at the time was to ensure that these clinics were properly regulated to ensure that the public good was served as their roles expanded in Ontario. For instance, the act clearly stated a preference in law for non-profit Canadian companies to provide health care in independent health facilities. When one reviews the debates, the Hansard of the day, it was designed specifically to prevent a US-style takeover of the provision of health care services in Ontario.

Another way it set out to protect the public good was by creating a cap on the price that an independent health facility owner could offer for the sale of their licence. Under the former cap, operators could only offer to sell their licences for an amount equivalent to 104% of the income arising from services rendered in a one-year period. The cap was put in place to prevent a commodity market for these licences—that is, to prevent speculation on price, to prevent owners from profiting in effect on health care in this province. If a licence was transferred, the owner of the licence would receive only what was considered fair compensation for the value of the licence itself.

This government, the Harris-Eves government, moved quickly to dismantle key protective sections of that act, and again we refer back to the first omnibus bill, the ominous bill, the so-called bully bill, Bill 26, which was introduced shortly after their 1995 election victory. The then Harris-Eves government amended the act to remove the non-profit Canadian preference. So that was the first step, tucked again into a bill with hundreds of pages and dozens of statutes being amended, a step toward two-tier health care in this province.

The amendment contained in this bill could reasonably be characterized as the next step toward a system of IHF regulation that clearly favours the for-profit sector and moves Ontario closer to two-tier health care. The government is removing the section of the Independent Health Facilities Act that was created to prevent a market developing around the licensed nature of a facility—that is, it's allowing speculation on the price of a licence; it's allowing the market to come in and influence how much it costs to become an operator of these facilities. Put in another way, obviously an owner's going to sell to the highest bidder, which will lead eventually to the two-tier dilemma we fear.

Earlier this spring, before this bill was introduced, the Eves Tories announced that they would grant these licences to for-profit companies so these for-profit companies could provide MRI and CT diagnostic services that people could pay for. This means that an IHF clinic, an independent health facility clinic, once regulated to perform medical services paid for by the public health system, can now be a lucrative business where diagnostic services are sold to the wealthy. This development, combined with the removal of the licence cap, could greatly inflate the value of an independent health facility licence. The cost of obtaining such a licence could become a barrier for non-profit companies wanting to provide important medical services in Ontario.

My colleague from St Catharines earlier addressed provisions in the bill which amend the Securities Act and the Commodity Futures Act which effectively, at a time when we ought to be looking at greater transparency, greater freedom of information, greater ability for this Legislature to hold to account this government or for that matter any government, at precisely the time these issues should be more clear, more transparent, more accessible, this government's moving in precisely the opposite direction, which we regret.

The restrictions on freedom of information in this province are already too great. Again, my colleague from St Catharines referenced our inability to get documents related to the Kyoto accord from the Ministry of the Environment. Seven months have passed since we asked for those documents. Four months have passed since we were advised that the documents are together and in one place, yet we still don't have them. What, for goodness' sake, is the government hiding?

We believe there should be an expansion of freedom-of-information coverage in this province. We have made proposals that would allow for greater access. By the way, one of the greatest barriers to true access in the question of freedom of information is the cost associated with getting that information.

We have seen in this bill a whole range of statutes dealt with. Let me see. It impacts 15 ministries and over 100 pieces of legislation. Yet in this bill the government does not attempt to deal with the Ontario Energy Board and what's going on with Union Gas, the retroactive increase that was granted to Union Gas that's going to affect over a million customers throughout this province. Imagine. A large, American-owned multinational can go back, with the blessing of Floyd Laughren and Ernie Eves, and charge people for gas they consumed two years ago. It is ridiculous.

Mr Ruprecht: Floyd Laughren did that?

Mr Duncan: Floyd Laughren did that. He was the chair. He signed the decision, did the hearings and obeyed and did the duty that he swore to the government he would do. The government has said they're going to review it, review the OEB. Well, we say get on with it. Maybe something should have been in here.

There's nothing to deal with the skyrocketing hydro bills my constituents are receiving, and I am told consumers in Toronto will soon be feeling the effect of these increases. I talked to two constituents this week, both of whom have had a more than 150% increase in their bills, even though there's a decrease in their actual consumption as measured on their bills. It's terrible whom that's affecting.

The physician shortage crisis that's been present for years now in this province: there is nothing in this bill that deals with physician shortage. In my community alone we've estimated we need a total of 59 new family doctors, yet there's nothing here, there's nothing anywhere to show that this government is dealing with that problem in an effective and efficient way—and this is all about government efficiency. It is not efficient that my

constituents have to go to Detroit to access medical services. That's not efficient at all. It costs our public health insurance system more than it should have to bear.

It's sad that it doesn't deal with tuition in our universities and community colleges. It's sad that it doesn't deal with the double cohort. Those are all issues this government chooses to ignore—ignore because the Eves government is not on the side of the people but on the side of its friends and the big-business interests that have put it into power.

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The Acting Speaker: Questions or comments?

Mr Martin: It was interesting to listen to the member from Windsor.

Mr Marchese: For a while.

Mr Martin: For a while, yes. He kind of went over the line there and made it not interesting for a few minutes as he talked about my colleague Floyd Laughren, who is doing a job the best he can in the interests of the public.

I was wishing the member had talked about what's in the bill, the more than 400 items and 15 ministerial statutes and the repeal of 15 acts, and perhaps give a little insight into why it is that this government, no matter what it tables in this place, finds a way to make it in the best interests of the elite few at the expense of the many. We have that here again, a bill that purports to reduce red tape and bring in what the minister who introduced the bill suggests is smart tape when in fact anybody who has looked at the bill and spent any time with it knows it's making it more convenient for the corporate sector in this province to make ever more profit at the expense of the delivery of public services.

One example is the fact that, if you can imagine this, they're now going to assist the multinational corporation that has taken over Highway 407 and is making just a truckload of money every day that goes by to collect the fines. Why wouldn't they think it in their purview to help the disabled in the province? Take the money they're going to spend going after people who owe fines to the corporation that runs the 407 and give to the people on disability a modest increase similar to the one I called for with my private member's bill in June of this year. If they'd done that, we might be able to support at least some part of it.

Mr Steve Peters (Elgin-Middlesex-London): I want to commend my colleague from Windsor-St Clair because he raised a number of important issues facing Ontarians today. Hydro: I just got off the phone with an individual whose bill is up \$1,700.

I want to talk about some other aspects of this bill as well in my two minutes. On schedule F, dealing with the Ministry of Culture, I had an opportunity last week in my two minutes to raise some of these issues. I want to take advantage of it again this evening, because there are changes in this legislation dealing with archaeological sites and dealing with, hopefully, trying to strengthen and preserve Ontario's heritage. My concern with this bill is that it's one thing to put in the legislation that you're

going to license activity on archaeological sites. It's another thing to talk about artifacts being held in trust, and that for anybody who contravenes this act, the province can seize items.

It's good to see it put in words, but the sad thing is that we've seen so much of our archaeological heritage pirated, whether it be our archaeological heritage or our marine heritage. We're losing it day by day. The onus and the responsibility should be with this government to ensure that doesn't happen. They're trying to say they're going to make sure it doesn't happen by putting it in words in the legislation, but what this government has failed to do and has failed to recognize since they came to office in 1995 is that instead of strengthening heritage and offering resources to the Ministry of Culture and to those individuals charged with the responsibility for preserving the heritage in this province, they've done the opposite; they've cut those budgets. I think it's a shame, because this heritage needs to be preserved for future generations.

Mr Ruprecht: The member from Windsor-St Clair obviously made sense. I'm just hoping that the general public out there listened very carefully to his comments.

He raised the idea about Ontario Hydro because so much is not being accomplished when the government would have the time to do it. This bill is called the omnibus bill; it's really the ominous bill, because it doesn't address some of the major crises we have in Ontario today.

One of the major crises is obvious, that we were simply not told about the expenses incurred by Ontario Hydro. GST: once the bills came in and were itemized, for the first time we saw there was GST piled on GST. It was the Liberals who pointed it out to the government, but no.

Is the government consequently addressing the crises we have in Ontario today? That's what the member's pointing out. He's saying there are so many crises that should be addressed. You've got the chance, you've got the power, and I would think you'd have the ability, but you don't do it. We're asking here, why? There is a crisis today in education. There is a crisis that Mr Paul Christie is being appointed right across the street, and he tonight is going to make a decision of how the Toronto school board is going to be acting and what is going to be cut from there—whether the swimming pools are going to be on next year or not; whether the kids are going to have swimming pools next year. He's going to make that decision tonight. You've got a crisis, but what are you doing about the crisis? Are you addressing it? No. Is this bill addressing it? No.

It is pathetic. It is pathetic to sit here and to think that you could do something about it and you're not.

The Acting Speaker: Response.

Mr Duncan: I want to thank my colleagues from Sault Ste Marie, Elgin-Middlesex and Davenport for their comments.

Let me begin by re-emphasizing, first of all, the nature of the bill itself. It's an omnibus bill that affects 100

statutes. There are two key problems in the bill: number one, the further encroachment of private health care into Ontario; it's tucked in there in the way it amends the Independent Health Facilities Act. The second salient most offensive part of the act deals again with the notion of what is withheld under the freedom of information act as it relates to the Securities Act and the commodities act.

We find those two particular parts of the bill most offensive. There are others—my colleague from Elgin-Middlesex referenced the archaeological provisions of the bill, and again what's not addressed in it. Not addressed in it are issues that are very important to the people: how the OEB functions in terms of retroactive price increases, whether, as in this case, they're granted by Floyd Laughren or whoever's in the chair of that particular organization; the government's failure to address in a meaningful fashion the physician shortage issue; the government's inability to deal with the hydro question, the skyrocketing hydro rates that this government promised would not happen in a deregulated privatized market. That's what they promised; that's what they said. That's not what's happening today in my community and communities across the province. It's affecting individual consumers. It's affecting business consumers. It's affecting everyone. Some of them are seeing increases triple over what they had with the same or even less usage. This bill should be defeated and this government should deal with issues of pressing importance to the province of Ontario.

The Acting Speaker: Further debate?

Mr Marchese: It's interesting to see that the member from Windsor-St Clair is so afraid of the NDP that he has to attack our little friend Floyd Laughren. Isn't that amazing?

Interjection: Who are you calling "little"?

Mr Marchese: From one little guy to another. He's shorter than I am and we're both short, although on television I appear taller, I'm told. But it's true, member from Windsor-St Clair: I do look taller on television.

Interjections.

Mr Marchese: You're not telling the truth.

Mr Caplan: There's Nellie Pedro.

Mr Marchese: Nellie is much shorter than I am.

Interjections.

Mr Marchese: He's got hair, but some people have more hair than they need.

Interjection.

Mr Marchese: Me too. To the subject matter, because we only have nine minutes—but I like to talk the Liberals too. I often enjoy talking to Tories but I like talking to Liberals too.

But I want to talk to this bill, a bill that says An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act. Nine minutes left to say so much on a very, very thick bill, so I'm not going to talk about the bill; I'm going to talk about what's not in the bill.

Interjection: Just like the member from Windsor-St Clair.

Mr Marchese: The member from Windsor-St Clair made reference to the bill and then made reference to other parts of the bill.

Mr George Smitherman (Toronto Centre-Rosedale): You're not very focused today.

Mr Marchese: But I am. If this government wanted to cut red tape, where they should be cutting red tape would be to reduce those 40,000 students who are in need of special education and are in limbo waiting for special education services that they desperately need and are not getting.

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Where the taxpayers really need you, Marilyn Mushinski, you're not there. Where the taxpayers who are most in need could use Marilyn Mushinski and others to cut the red tape, they're not there.

The Speaker is waving with his hand, "Please don't look at Marilyn; look at me." I don't want to look at the Speaker; I want to look at the camera and the taxpayers, through the Speaker, directly to the camera, as I talk to Marilyn Mushinski.

Red tape is making it impossible for 40,000 students to get the help they need, and it isn't a matter of simply saying that these students—Tony Ruprecht, it's good to have you here—are simply waiting for help. It's not adequate description to speak about the suffering these kids are in as they wait for the service that they need.

Ms Marilyn Mushinski (Scarborough Centre): Speak about the substance of the bill.

Mr Marchese: I'm speaking about the substance of the bill that speaks to red tape and doesn't speak to where it should really cut red tape—

Mr Ruprecht: What substance is there in that bill?

Mr Marchese:—speak about Tony Ruprecht—the intensive support amount—getting assistance for special students continues to be a gruelling task. The provincial government will not provide any support for a student unless the administration has filled out an intensive support amount report.

In the greater Essex board, they told us it takes 14 hours of staff time to fill out that report so a special education student can get the help he or she needs—14 hours per report. We are told by that board that they produced 380 reports for this school year alone and that there are still many more that needed to be filled, all special education kids waiting in line to get the help they need. Where were the scissors to cut that red tape? Where were your long scissors, Marilyn, to cut that red tape for those students? No big scissors for them, oh no. In fact, you Tories created the intensive support amount bureaucracy that has teachers wasting their time filling out forms that take thousands and thousands of hours that then need to be reviewed by the ministry staff again, as all these students wait for the service they need.

We're talking, Speaker, as I look at you—well then, I won't look at you; I'll look at the people watching this program—we're talking about kids who bite, kids who

kick, kids who scratch, kids who throw objects. These are kids who are in need, thrown into the classroom because now you demand, Marilyn, that kids be integrated into the classroom. So we have special education kids in the regular classroom as we throw out educational assistants because you people don't have the money, you say, to keep them in. Kids who need the help, thrown into large classes without educational assistants to help the regular teacher, as they wait in line for help.

You people have \$11 billion a year that you're giving to people who don't need income tax cuts, but you don't have enough money to get rid of this red tape that would permit these young kids to get the help they need. You go figure that, Speaker. Talking about priorities, why is there no priority to help kids in need but there are a lot of big scissors to cut the red tape to help the Highway 407 Corp? Imagine: we, the government, help a private corporation to say, "If you don't pay the bills, we take your"—what?

Mr Bisson: Their licence.

Mr Marchese:—"licence away." What kind of prostitution role is the government playing to help the corporate sector collect money from the taxpayers who, for whatever reason, might not have paid their bills? You understand, you're prostituting yourself as a government to help the corporations. You have the big scissors to help them out, but you have no little ones to help the little kids who are desperately waiting, appealing to you, or the parents who appeal to you day in and day out for money.

Some \$11 million for tax cuts, yet they don't have enough money to help kids who desperately need it, to help teachers, to help parents who suffer day in and day out with the kid in need. But as they appeal to you, they can't get hold of you to get some money and throw it into those classrooms.

In the greater Essex board, we were told of a case by the trustees. They told us about a young boy born severely mentally and physically disabled—listen to this. You're going to like this story. It's a very human story.

Mr Bisson: I'm listening.

Mr Marchese: He had no legs—ministers, there are two of you, three of you, four of you; listen to this story—and only one arm and the mental capacity of a two-year-old. School administrators still had to struggle to receive the funding they would need to help this boy. Teachers who worked with the student spent the day teaching him how to feed himself. Ministers, listen. The most realistic educational goal they could get, given the lack of support, was to help him to feed himself.

On hearing this, the auditor assigned by the ministry saw a cost-cutting opportunity. He informed the board that if the child was feeding himself, then they had erred in requesting an aide for the student during that lunch hour. Do you understand what I'm talking about? We're talking about a government that has no feelings. We're talking about a government that has no veins. We're talking about a government that has a heart of stone. We're talking about a government that said, through this auditor, they were going to take the funding away from

this child because they were able to teach this boy, who had no legs and only one arm, to feed himself. The auditor said, "We erred. We're going to take the aide away from you." Do you understand the stupidity of that?

The ministers still left in this room, you have to listen to the story. It's pitiful. It speaks so badly of you. That's the red tape you have to deal with; not the red tape that deals with the corporate sector that desperately genuflects in front of you saying, "Please help us. We're in desperate need of more, more, more help from you, the government." Some \$11 billion goes out of our government pockets every year—\$11 billion—and we have no money to help special-education kids. It's a shameful act by a shameful government. That's the kind of red tape we have to talk about. But we have no time to speak more on this. Time has run out.

The Acting Speaker: Questions or comments?

Ms Mushinski: It really doesn't surprise me that the rather melodramatic member from Trinity-Spadina didn't speak to the content or substance of the Government Efficiency Act, 2002, Bill 179. It doesn't surprise me, because he really doesn't appreciate what five years of NDP misrule did to drive out jobs from this province and to drive down the quality of life for so many of the kids of whom he speaks now. He doesn't appreciate that—I think there were 33 tax increases during his rule, his reign of terror, I should add, that increased proportionately the amount of red tape that drove away jobs, that actually drove 10,000 jobs out of this province, that drove up the deficit to over \$11 billion, not to mention the debt, of course. For him to stand and espouse against this government's legacy with respect to protecting the rights of the taxpayer—who for the first time in history have been able to generate wealth for all of those kids whom you speak about—I am ashamed of you, Mr Marchese.

2100

Mr Martin: I want to commend my colleague here from Trinity-Spadina, who always speaks passionately about the things that concern him the most, and in particular this bill which amends more than 400 items and 15 ministerial statutes and repeals 15 acts.

The minister, Mr Flaherty himself, said in the Legislature that we'll see outdated, outmoded and unnecessary regulations eliminated or replaced with "thoughtful, needful, smart tape," he calls it. But it's more far-reaching than that. When the minister talks about efficiency, one has to ask the question, as the member just did: efficient for whom? Who's it helping?

When considering this government's track record, one has to be concerned. There's not a single item among the 600 pages that in any way inconveniences those friends and benefactors of the government, who make millions from selling off public assets and loosening government control.

This legislation shows that this government is indeed an activist government: it's actively protecting the rights and privileges of the wealthy few. As the member just said, it actively avoids sticking up for citizens in this

province who need their help, like the students he spoke of, like the one student he spoke of. When the minister says he's cutting red tape, we have to look closely at what he's cutting and whom he's cutting, because our experience has not been very positive.

I was this past Monday in Sudbury, sitting in on an inquest of a woman who had been confined to her home under house arrest because she had the temerity to be on social assistance to look after her housing and food needs, expecting a baby, and then to take out a student loan so that she could go to school and better herself and get a job. I mean, if you want to talk about red tape, cut that red tape, get rid of that piece of legislation and help somebody, please.

Mr Bisson: To the member from Trinity-Spadina, I agree. I think exactly the point he was making is that this government has made some choices, and clearly this government has decided to choose what side to be on when it comes to a number of very public debates that we've had in this province when it comes to setting public policy. The member was right that when it comes to the issue of public education and specifically the kids with special needs, this government chose to be on the side of giving tax cuts to those people in our society who probably least need it instead of making sure that we take the dollars we take from taxation—because taxation in itself is not a bad thing if we're utilizing the money in order to be able to assist people in our society who need help—and he spoke of this particular case of this young child who is basically at a very low functional rate, who needs to get the very basic issues dealt with in teaching this young boy how to eat and how to be able to do some of the basic things that we take for granted. The appointed person this government sent in by way of their red tape, as they talk about it, when trying to cut out inefficiency in school boards, makes a decision that you're not going to have special-needs teachers in some cases, or teachers' assistants, to assist people in the school system who need these very basic supports in order to be able to do some of the things we take as very basic in life.

The member of Trinity-Spadina is right. It's a question of choices. Yes, we as New Democrats would choose to help that child, because we believe that using taxation dollars to assist that child is a good thing, not a bad thing. This government wants to wear as a badge of honour the idea that somehow to give people like me and others who make 100,000 bucks a year a tax cut—

Mr Caplan: You make \$100,000?

Mr Bisson: Well, we make pretty darn close to 100,000 bucks, if you look at your T4s.

But when they turn around and they give people like us tax breaks, how good is that when it comes to the benefit of society? I'd rather pay my taxes and know that young child has some basic help in our education system.

The Acting Speaker: Questions or comments? Response.

Mr Marchese: This bill here amends the Domestic Violence Protection Act, 2000. This is a two-year-old

bill. It still hasn't been proclaimed. It amends a bill that has yet to be proclaimed. A bill that was supposed to be so important to these people two years ago is being amended, but it was so important at the time that it be moved and passed and proclaimed right away, but they're amending it two years later.

This is the kind of incompetence we're dealing with with this government.

This bill supports Highway 407, a private corporation, and does so in the prostitution of itself as a government to remove the licence of individuals who ride their highways and who for one reason or another haven't paid their bill. The government says, "Don't you worry, private sector. As you make your billions of dollars, we will do the dirty work for you." Can you believe that? That's the kind of crap we're dealing with in this bill.

What we're not dealing with is the fact that we have so much red tape. With all the generation of wealth that the member from Scarborough Centre speaks about, all this generation of wealth this government has given Ontarians, it doesn't have the money to deal with 40,000 special education students waiting desperately, pleading for help. What wealth are we talking about that she can't find the money to help those students?

That's the red tape we're talking about. They'd rather not talk about that, about students who are thrown into the classroom where the regular teacher has to deal with them as they tragically wait and suffer. Teachers suffer, students suffer, the whole class suffers, everybody suffers. There's so much generation of wealth and they have no money to cut the red tape.

The Acting Speaker: Further debate.

Ms Mushinski: Good. I generated some murmurs and moans from the other side of the House. Obviously, my presence here impacts on some people in this House, which is kind of nice to see.

I had to spend some time in England this summer attending the funeral of my brother-in-law, who unfortunately died far too young. My brother-in-law was a prison officer. He and I were very close, notwithstanding the miles that separated us. We often used to talk about his life in the prison service and the job he did for public safety in Great Britain. We agreed a lot on public policy, I think because our government is so committed to enhancing public safety, which most Conservative governments in the western hemisphere truly believe in.

Were he here tonight, he would definitely agree with this bill that enhances public safety, especially with respect to changes needed in the Ministry of Correctional Services Act. That is what the Government Efficiency Act, 2002, speaks to, and I'd like to address those amendments this evening.

Even amendments as simple as updating language and clarifying procedures, we believe on this side of the House, are necessary if you want to ensure that legislation is kept up to date and current. We appreciate that's something members on the other side of the House don't understand.

Some of the key amendments are the definition of "correctional service," which will include the operation and maintenance of places of custody for young offenders; the amendments will avoid unnecessary, repetitive reference to these places; security terms such as "maximum security" or "medium security" will now be referred to collectively as "youth facilities." If you think about that in terms of what language does and is intended to portray, you can understand why it is important that we occasionally review some of these rather burdensome misuses of language to ensure everybody understands the same language.

2110

As well, this bill will allow us to make minor amendments to the Ministry of Correctional Services Act that will allow us to provide more effective and efficient service to young offenders. I think that is something everyone in this House should strive to do. For example, subject to discretionary exemptions, the ministry will no longer be required to incarcerate a young offender in a medium security place of secure custody or in a place of open temporary detention. Instead, the ministry will now identify the place of custody and level of security that most appropriately meets the needs of the young offender and society.

I think that's common sense. The safety of our institutions and the communities that house them has always been a top priority for this government, as it should be for every government. That's why we've made minor amendments to the Ministry of Correctional Services Act that will not only enhance the security of institutions, but will enhance the safety of the neighbouring communities. That's something, again, that we have always been committed to.

Because of this bill, superintendents will be authorized to conduct searches of correctional institutions and persons found within the institution and they will be authorized to dispose of contraband if it is found. The amendment will also clarify the definition of "contraband." As well, all releases will now be made through temporary absence or parole, both of which have strict standards and guidelines that must be met for an inmate to be granted leave from the institution.

The Ontario Parole and Earned Remission Board will have the authority to reconsider a parole decision where it receives new information before an inmate has been released from custody. The board will also be allowed to suspend parole where there is a reasonable apprehension that the inmate is about to breach a term and condition of his or her parole, or to protect persons or property.

These amendments, we believe, are consistent with current board policy and the board's responsibility for public safety. Again, this bill really does address the needs of the community.

Our government is not only serious about the safety and security of our correctional institutions, but we're also very serious about fire safety. That's why we've also amended the Fire Protection and Prevention Act to ensure that fire safety is kept up to date and in the best interests of protecting Ontario's citizens.

Amendments include allowing the fire marshal, an assistant to the fire marshal or a fire chief not only to remove but to dispose of combustible or explosive material or anything that may constitute a fire in circumstances of an immediate threat to life. There's also a provision that gives authority to the Fire Safety Commission to order the disposal of any combustible or explosive material or anything that may constitute a fire hazard.

Our government is proud of the work that is done by the office of the fire marshal and we believe his office plays an important role in communicating safety initiatives on a variety of levels. That's what this bill is all about: responding to the issues that have been communicated by the people who protect our citizens on a daily basis.

To prevent misinterpretation in the types of communications issued by the fire marshal, amendments have also been made regarding the use of the terms "directives" and "instructions." Where the term "directives" is used, strict compliance is required. Where the term "instructions" is used, some flexibility in compliance is allowed.

Our government is proud of the front-line police officers who keep our communities safe and secure. We believe that part of that respect comes from knowing that our police services are held to a standard of professionalism. In keeping with recent legislative changes and current operational practices, the Police Services Act has been amended to include clarification that auxiliary members of a police force and civilian employees of the OPP are not considered members of the public for the purposes of using the public complaint process to make a complaint about another member of the police force. Complaints about a police force and its staff must be made to the chief of police or to the OPP commissioner.

Time doesn't permit me to tell you of the numerous other red-tape initiatives that help to improve the safety of the citizens of Ontario, but I will tell you that we believe this bill clearly demonstrates the government of Ontario's ongoing commitment to sound legislation in the best interests of the people of this province.

The Acting Speaker: Questions or comments? Further debate?

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I'm delighted to be able to speak on this bill tonight. Rarely would I criticize in this House, but tonight I have the chance to say what I hear from my constituents and also from the people of this province.

I'm going to go immediately to the hydro fiasco that we are going through. I'm going to tell you about this poor 80-year-old lady from St-Isidore, Madame Henri Longtin. This lady was paying \$106 a month for her hydro bill, and today she received a bill of \$500.13—an 80-year-old lady.

I want to refer to Mrs—

The Acting Speaker: The member will know that we are speaking to an omnibus bill and, while the Speaker is not entirely sure of every act that is involved, I am not aware that it actually directly impacts on hydro bills. So would you like to—

Interjections.

The Acting Speaker: Show some connection to the Chair is, I guess, what I'm telling you.

Mr Lalonde: Mr Speaker, this bill is an act to promote government efficiency and improve services. Bill 179 is a massive omnibus bill that impacts 15 ministries, including energy. It also involves over 100 pieces of legislation. So we're talking about energy.

I'm going to go immediately to health care, then. Health care at the present time—you cannot say that we have improved the services. It's impossible. There's only one section in there that I agree with. It's on page 10—

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): Did you read the bill, Jean-Marc?

Mr Lalonde: Definitely, I've read it. Probably you people on the other side haven't read it, because this is the bill here. I could tell you that I have been reading it. I had the chance to read it.

If I look at page 7, a technical amendment made to the Health Insurance Act, I do believe in that one because the people will have 30 days to appeal a decision instead of 15 days. That is the only part that I would say will be an improvement.

Let's go back again to the health care services in our region, especially the francophone services. I look at the city of Ottawa, which includes Cumberland, Sarsfield and Navan. Can you get someone to go to their homes to do home care services for people in French? Impossible. They are saying to the people, "If you cannot accept an anglophone, you won't have any service, because we don't have them." The francophones don't get paid for their mileage to go outside the central core. If I go to St Eugene, 20% of the people don't speak a word of English, but they just can't get the services in French.

I'm looking at the Minister of Transportation. You're probably not aware of this one, Minister: you cannot find a single book of the driving testing manual at any of the government transportation services counters at the present time. There aren't any available. Two weeks ago, everyone in the Ottawa area told me there were no manuals available any more. What are we going to do to give services to the francophones in eastern Ontario?

2120

When we're talking about improving efficiency in service, what have we done to the construction people? On the mobility bill that we passed way back in 1999 the government spent over \$1 million on publicity, television and newspaper advertising. You know what you people did? You amended the Municipal Act without the municipality being notified. Minister Hodgson approved it. He amended the act to give access to all Quebec electricians, plumbers and contractors to do work in Ottawa. But the people of Smiths Falls, Cornwall, Hawkesbury and Rockland are not allowed to work in Ottawa. You have given the right only to the Quebec people. Is that fair? You have taken all powers away from the city of Ottawa.

Let's go back to electricity. I've been getting about 12 calls a day, even today from your own riding, Nepean—I told them to call your office. The other day I got one for the member from Carleton—I told him to call Norm Sterling. I'm getting calls from the 905 area. You people, when you're crying that the increase is about \$40 or \$50 a month, let me speak about this lady, Jocelyne Séguin. Last month she was paying \$644; this month, \$960.15. She has used 150 kilowatt hours less than the previous month, and her bill is \$316 more. I'm sure every one of you on the other side is getting calls about those hydro bills. Probably the city of Toronto hasn't received them yet. If Norm Sterling, the member for Lanark, is not getting any calls, I just can't believe it.

Yesterday the Premier said—and really, I'm not retarded and I'm not blind.

Hon Mr Baird: On a point of order, Mr Speaker: The standing orders are very clear that you have to discuss the bill before us, and thus far the member opposite hasn't mentioned one single part of the bill.

The Acting Speaker: He has talked about the bill, but he needs to relate his comments directly to the bill.

Mr Lalonde: I'm going to go back to the senior home care services, the services in the long-term-care facilities. This government is saying it's going to improve the services. What's going to happen with that 15% increase that they'll be facing? They have faced, since September 1 of this year, \$100 more; by the year 2004, they will be facing \$213 more per month. Those seniors are getting very little at the present time, and the children and friends who are taking care of those people don't know what to do right now; they just can't meet the demand.

Let's go back to energy at the present time. We know the member for Scarborough East said at one time, "You people don't want us to sell Hydro One." The reason we want to get rid of it is because it is mismanaged. Is that the way to operate? If we don't have the proper management in there, we sell our equity, we get rid of it because we haven't got the right management. Can we make a decision? Right now, the cost to operate, to manage Hydro-Québec, is \$484,000 a year. That's what Mr Caillé is getting. Eleanor was getting \$2.2 million; Mr Osborne, with his bonus, \$1,577,813. And then we turn around and we hire this American guy, Mr Preston, at a cost of \$1,000,423.69, including his bonus.

Hon Mr Turnbull: On a point of order, Mr Speaker: You will know that it is the job of the Speaker to reinforce the rules of this House, and that is that when debating a bill of this nature, it has to address the actual bill. The Speaker—

The Acting Speaker: Thank you. Just stop the clock for a moment. If you had been here, you would have known that members had spoken about electrical parts of the bill.

Interjection: There's no electricity part in here.

The Acting Speaker: Talking about freedom of information, which is in this bill. I don't find it to be a tremendous stretch to go where the member is going.

The member for Glengarry-Prescott-Russell.

Mr Lalonde: Just to please them, I'm going to go back to health care. This government is saying, "We are going to improve the services." We turn around, and at CHEO in Ottawa we're saying, "We are going to close the cardiac surgery clinic." Does that improve the service? We will transfer this to Toronto, and at the present time a lot of doctors have decided to resign from there. We just can't get the doctors over at CHEO, one, and the other has gone to England at the present time. He's looking for another job because there's no security for them, and right now we just can't get the proper service that we used to get. That is an example of the types of services that we say we are going to improve.

If we look at the municipalities, we have downloaded all the services to the municipalities. The roads are getting into a condition that we won't be able to take them in two years from now. This is what they call improved services.

The Acting Speaker: Questions or comments?

L'hon M. Baird : Je veux dire que mon collègue n'a pas parlé du tout du projet de loi. Il dit qu'il est contre toutes les parties de la loi sauf une, mais il n'a pas dit une chose contre aucune mesure dans le projet de loi. Je suis certain qu'il n'a pas lu le projet de loi, et je suis vraiment choqué qu'il n'a pas parlé du tout en français. C'est juste terriblement dommage.

Mr Peters: I'd like very much to congratulate my colleague. He's raising issues, though, that truly affect citizens of Ontario today.

I want to raise an issue dealing with the Ministry of Culture in section 7 of this legislation, this omnibus bill, that's in front of us here. Again, it's dealing with heritage and the preservation of heritage in this province. I think if the province really wanted to do something to help strengthen heritage, they would amend this bill under section 28 of part IV of the Ontario Heritage Act, and not just say to a municipality, "You may establish a heritage committee." I think it should be strengthened to say, "You shall establish a heritage committee."

We've witnessed all over this province valuable pieces of heritage being demolished by reckless developers. We've seen archaeological sites devastated across this province. Put some strength into the Ontario Heritage Act. The Ontario Heritage Act has not undergone any serious review since 1974. Why don't you go beyond what is being proposed in this legislation and change it to "shall"? We should be doing everything in our power, and it doesn't matter—the preservation of our heritage should be a non-partisan issue. But we've seen, unfortunately, too many buildings and too many pieces of our heritage lost.

If this government truly wants to do something—and I spoke earlier about the amendments dealing with archaeologists and archaeological sites in this province—put some teeth into this bill. Put it in, and give municipalities true strength. Support the archaeologists in this province. Don't continue to cut and cut like you've done across this province. We've seen the system of regional archaeologists destroyed in this province.

You are contributing to the piracy and the looting of heritage and archaeological sites in this province.

Interjections.

Mr Peters: This is in the bill; I'm speaking to the bill. If you really want to do something to preserve heritage, strengthen the Ontario Heritage Act.

2130

Mr Bradley: I found the member's speech extremely enlightening and certainly relevant to everything contained within this legislation that I could see, particularly as it related to hydro bills.

I don't know what the members on the government side don't see in terms of the connection to outrageously high hydro bills that he has encountered. As well as that, he has encountered some severe problems with the community care access centre and home care being available to people in his area. That's something that we can share in the Niagara region where people are asking for and requiring even more home care than it is possible at the present time to obtain. So many people have to reach into their own pockets or the pockets of their children to obtain that care.

This isn't simply for elderly people—that's where we see the most people who are affected by it—but also people who have special needs and are at home. So I think the member by raising this in this House is raising an issue that is not only pertinent to his own constituency, not only pertinent to the legislation before us tonight but also pertinent to those problems and challenges which confront the entire province.

I know he's passionate about the size of the hydro bills that he has been receiving, the amount of deceit that has been taking place by people selling certain packages to people, even outright forgery that's taking place by those who are advancing the cause of special arrangements for paying for their electricity.

All of this could have been avoided if this government had kept the regulation, the true regulation on the electrical market in this province, had strengthened the Ontario Energy Board, given it the teeth that it needed, and had established a select committee of the Ontario Legislature to deal exclusively with the issue of Hydro affairs.

Hon Mr Sterling: I'd like to welcome the member for Glengarry-Prescott-Russell back from Beirut and his most recent trip over there at the taxpayers' expense, while his fellow members criticized this government for buying the odd glass of wine for some of their guests and stakeholders.

I don't know whether this trip cost the taxpayer—

Mr Caplan: Mr Speaker, on a point of order: It was not a glass of wine; it was a vat of wine.

The Acting Speaker: That's not a point of order.

Hon Mr Sterling: Only the member opposite would drink a vat of wine.

Interjections.

Mr Smitherman: On a point of order, Mr Speaker: I think that's an offensive comment that he made.

The Acting Speaker: I'm sorry, I didn't hear an offensive comment. I just didn't hear anything.

Hon Mr Sterling: Thank you very much, Mr Speaker. They can give it, but they can't take it. That's basically it.

While the member was off in Lebanon I was hearing from the member from Ottawa West-Nepean, the member from Nepean-Carleton and the other eastern Ontario members about needs in eastern Ontario for our highways. Quite frankly, we have fulfilled a lot of those needs, even in this member's riding. I didn't hear about those in his speeches. He didn't thank the Minister of Transportation for fixing up Highway 417 down in his area. We're rebuilding a major part of it.

We're widening the Queensway in Ottawa. We're building four lanes all the way to Arnprior in eastern Ontario. We spent over—

Interjections.

Mr Guzzo: A new ring road.

Hon Mr Sterling: A new ring road to connect my riding to his riding, because I'd like to see him more often. We really believe we're doing a—

The Acting Speaker: Response?

Mr Lalonde: It's true. I was in Lebanon. It's true, I had one glass of wine. I was invited by the president of the Lebanon Bank over there, Mr Tiberge, and I really enjoyed that glass of wine, and it's going to benefit this province that we went there.

I want to thank the member from St Catherines and also the member from Elgin-Middlesex-London. The member from St Catherines referred to Hydro One. Definitely I've said it many times in this House before. The residential contractors in Ontario have been hit with a 332% increase in the connection charge: from \$224 to \$968, without being notified after the house was sold. Bernard Sanscartier, who is a well-known contractor, wants to know how they ever justified that increase. We don't know. Hydro doesn't even know.

We referred to health care. We had a company called DiagnostiCare, and DiagnostiCare really got some help from this government, over \$9 million, to upgrade their equipment. They got the \$9 million, they sold their company, then replaced the equipment. I have this X-ray clinic in Embrun operated by Lynda Lapalme. To be able to continue the service, she had to pay over \$10,000 to get a licence to continue.

This is what we call efficiency and improved service from this government. If you call it that, I don't know what we could expect next.

The Acting Speaker: Although I know members will be disappointed, it is past 9:30 of the clock. This House will stand adjourned until 10 of the clock tomorrow morning.

The House adjourned at 2136.

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CONTENTS

Wednesday 23 October 2002

SECOND READINGS

Government Efficiency Act, 2002,

Bill 179, Mr Flaherty

Mr Hardeman..... 2399, 2401, 2408

Mr Caplan..... 2400

Mr Martin.... 2400, 2412, 2414, 2417

Mr Baird 2401

Mr Conway..... 2401

Mr Kormos 2402, 2405

Mr Bradley..... 2404, 2407, 2408,
2412, 2421

Mr Bisson.... 2404, 2407, 2411, 2417

Mr Sterling..... 2405, 2421

Mr Curling 2405, 2408

Mr Martiniuk 2405, 2408

Mr Guzzo..... 2412

Mr Ruprecht..... 2412, 2415

Mr Duncan..... 2413, 2415

Mr Peters.... 2414, 2420

Mr Marchese..... 2415, 2417

Ms Mushinski 2417, 2418

Mr Lalonde 2419, 2421

Debate deemed adjourned..... 2421

TABLE DES MATIÈRES

Mercredi 23 octobre 2002

DEUXIÈME LECTURE

Loi de 2002 sur l'efficience

du gouvernement, projet de loi 179,

M. Flaherty

M. Baird..... 2420

Débat présumé ajourné 2421

CA20N

XI

- D23

Government
Publications



No. 48A

N° 48A

ISSN 1180-2987

Legislative Assembly of Ontario

Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 24 October 2002

Jeudi 24 octobre 2002

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Clerk
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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 24 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 24 octobre 2002

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

CLEAN AIR PLAN

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I move that, in the opinion of the House, the government of Ontario should immediately implement the Ontario Liberal clean air plan that would: ensure all gasoline sold in Ontario contains at least 5% clean-burning ethanol by 2007 and 10% by 2010; and develop and implement an Ontario biodiesel strategy that includes a mandatory clean renewable biodiesel content in diesel fuel.

The Acting Speaker (Mr Bert Johnson): Mr Cleary has moved ballot item number 63. According to the standing orders, I would ask the member from Stormont-Dundas-Charlottenburgh for a 10-minute presentation.

Mr Cleary: I'm pleased to present my private member's resolution today. I know that citizens and households across the province are beginning to plan for the upcoming winter season. Many of them are now working outside, something they couldn't do during the summer months when temperatures were so warm. They welcome this season to get away from the smog-filled hot days of one of the hottest summers in many years in this province.

Many of the seniors in my community and other communities were virtually imprisoned during those hot days with respiratory problems and had to stay indoors. Smog is not only an inconvenience, it is dangerous to the health of all Ontarians. Ground-level ozone, or smog, is a dangerous respiratory irritant that affects the health of thousands of people.

According to Dr Halparin, president of the Ontario Medical Association, dirty air is responsible for "1,900 premature deaths, 13,000 emergency room visits and \$1.1 billion in health care costs and lost workdays each year." These statistics are not acceptable and the people of Ontario are increasingly concerned about the quality of the air they breathe. And not only are they concerned about the air they breathe, they're concerned about the water they drink.

Today I want to discuss sweeping plans to clean up the air Ontarians breathe and to make this province a healthier and more comfortable place in which to reside.

On September 9 our leader, Dalton McGuinty, unveiled a clean air plan. This plan is ambitious, the most ambitious plan of its kind in Canada. It is progressive and it is feasible.

The Ontario clean air plan is a five-point plan that encourages cleaner power generation, cleaner fuels, more public transit, more energy conservation, and demonstrates a real commitment to renewable fuels. Of particular interest to me is the plan's pledge to mandate the use of clean renewable transportation fuels in the province of Ontario.

The select committee on alternative fuel sources released its final report, published in June of this year. As the culmination of work by a tripartite committee of the Legislature, the report represents an important step in developing an ongoing strategy to achieve environmentally friendly and sustainable sources of transportation fuels.

According to the report, the transportation sector in Ontario is a major source of air emissions along highways and in major urban centres. As I travel from Toronto to eastern Ontario every week, I can see that very clearly. Producing these emissions, gasoline and diesel fuel account for 97% of the transportation fuel consumed.

The committee also outlines growing interest on the part of the public and industry to incorporate renewable fuels, stating, "There is considerable public interest in reducing air emissions and growing interest on the part of motor vehicle manufacturers to utilize alternative fuels to respond to these concerns." Finally, the committee's report draws strong parallels with the clean air plan, maintaining there is significant potential to improve air quality by accelerating the introduction of cleaner gasoline and diesel fuels.

Part of the clean air plan is the implementation of clean renewable fuels like ethanol. In fact, under the McGuinty plan, all gasoline sold in Ontario will be required to contain at least 5% clean-burning ethanol by 2007, rising to 10% by 2010. Ethanol is a liquid alcohol produced from agricultural products such as corn. As a renewable, clean-burning transportation fuel, ethanol represents an exciting environmental and financial opportunity for the farmers of this province. I know that in our part of Ontario we have been trying to get a plant built since the mid-1990s, yet we have not got it off the ground.

The environmental benefits of ethanol are extensive, and attempts to reduce smog and greenhouse gas emis-

sions will be greatly enhanced by the extensive introduction of ethanol-blended gasolines. According to the Canadian Renewable Fuels Association, "The emissions produced by burning ethanol are less reactive with sunlight than those produced by burning gasoline and are thus less likely to produce damaging ozone gases." Furthermore, the use of ethanol-blended fuels will reduce the net emissions of equally dangerous greenhouse gases by up to 3.9%.

In addition to ethanol's proven environmental track record, the application of alternative fuels will create jobs and market opportunities for Ontario's rural communities and farmers. I know that in our part of Ontario the community, the farmers, have raised \$16,249,000 toward a Seaway Valley ethanol co-operative. They're an environment-friendly group back our way. The plant is \$48 million. At the annual meeting, that amount of money had been raised, and more has come in since. I know they're looking for all forms of government to get involved with some type of loan guarantee to get this plant off the ground.

1010

In addition to ethanol's proven track record, the application of alternative fuels will create jobs and market opportunities. Needless to say, this is a new and exciting market opportunity for Ontario producers. When you think about what's happening in the United States, new plants are coming on stream, several of them a year.

The reception of the news from the Ontario Corn Producers' Association has been overwhelming. Commenting on the implications of the proposed plan, Mr Dennis Jack, president of the Ontario Corn Producers' Association, believes the objective is good news for the industry, consumers and the environment, which will receive direct benefits from a stronger reliance on corn-based ethanol, and this gentleman should know. In an off season, when you have a bad year, it's my understanding that corn which doesn't mature can still be used for ethanol.

As an existing additive, ethanol has immediate promise. In fact, low-concentration ethanol mixtures added to gasoline can be used in most internal combustion engines. Presently, all automotive manufacturers in Ontario approve the use of a 10% ethanol blend and some even recommend it for environmental reasons.

Because it is a progressive and necessary alternative fuel, the government of Ontario needs to take immediate steps to implement an ethanol strategy. This will clean up the air we breathe and will create jobs and opportunities for rural Ontario.

Working with farmers and industry, a McGuinty-led government will also develop—

The Acting Speaker: The member's time has expired. Further debate? The Chair recognizes the member for Timmins-James Bay.

Mr Gilles Bisson (Timmins-James Bay): You were going to say "Cochrane South." Speaker, I saw you coming. But it's Timmins-James Bay now.

As the NDP transportation critic and northern development critic, I'd like to rise in support of this resolution.

The member, I thought, gave a brilliantly put-together speech on the importance and positive aspects of using ethanol and other biodiesels.

I just want to say there has been some move already by the provincial government to exempt these fuels from provincial sales tax; I think that was a good step forward.

The alternative fuels committee is looking at the various aspects of various kinds of renewable energy, and I know that this is one of the issues they looked at. I'm glad to see that the member has gone a little bit further than the recommendation of the alternative fuels committee in moving toward the ethanol and biodiesel initiatives. I want to say that I support that.

I also want to say that this whole issue of trying to find green sources of energy is something I really believe we need to spend a lot more time on. We all know we're going through this whole process of what's happening with the Kyoto accord. We all need, as member nations who signed on to the Kyoto accord, to find ways to reduce greenhouse gases. Ethanol fuels and other biodiesels are less harmful to the environment when it comes to emissions. Certainly, the more of these we use, the less gas and diesel we'll use and the less we will have emissions into the atmosphere and the easier it will be to meet the Kyoto Protocol.

I think it's a big, big disappointment and quite hypocritical of the American government to take the position they have. We all know that member nations have signed on to Kyoto, and the great American power, the United States, says, "You know, we believe in free trade. We believe in internationalism. We believe in doing our part in the world," but they are nowhere to be seen on the Kyoto accord. They're doing everything they can to sewer the deal, and it's putting Canada and other countries around the world into a very odd position. Here we are trying to do the right thing as member signatories to the Kyoto Protocol—our federal government wants to forge ahead and our provincial governments are now opposed to it, as we saw with Ernie Eves getting together with Ralph Klein yesterday. But I think we all agree that we have to do something to reduce greenhouse gases, and we all agree that Kyoto is a good step forward and a good way to start.

The unfortunate part is that the Americans are nowhere to be seen in trying to meet the targets set out under Kyoto, so that tells me the Americans are nothing but a bunch of hypocrites. They're perfectly prepared to show their might when it comes to using their arms around the world to bomb anybody who doesn't agree with them on whatever issue, as we're seeing with what's happening in Baghdad. But when it comes to really making an impact on the world that would be positive, the Americans are nowhere to be seen. Where are they on Kyoto? They're nowhere. They're on the opposite side.

I find it quite frustrating, as a Canadian and as a member of this little planet we call Earth, that the Americans take the position they have on Kyoto and say, "Down with Kyoto. We don't believe we should do it, because we're the mightiest nation in the world and we

can do what we damn well please and to hell with you all." I think it's really a bad thing for the Americans to do and it shows just how hypocritical they are when it comes to really being a member state of this little planet we call Earth.

If you take a look at the Americans when it comes to the United Nations, they all believe in the United Nations and they want to support the building of democracies around the world, something we can all agree on. But when it comes to paying their dollars to allow the United Nations to do its work, the only time they give us the money is when they're looking for support so they can go and bomb somewhere in the Middle East.

I say to the member who brought forward this resolution, this would go a way in allowing us to meet the Kyoto Protocol on the emission of greenhouse gases, but one of the things we need to do is figure out as a nation how to embarrass, how to force, how to coerce the Americans into doing their part. What's going to be very difficult is that in taking the position they have, the Americans are setting the playing field quite low when it comes to meeting greenhouse gases because they are one of the biggest polluters in the world when it comes to emissions. If they're not on board, it means other signatory countries like Canada will have to go a lot further in order to reduce greenhouse gases. Meanwhile, they'll be doing nothing.

I just wanted to put that on the record because of what has happened recently with the meeting between Mr Eves and Mr Klein. I think they're twins now. They get along quite well. They came out of there singing the same kind of thing. It really puts us in a bad position, the Americans doing what they're doing. I just say again that it's extremely hypocritical.

To the Premier and to Mr Klein, who met yesterday, shame on you. We should be taking a leadership position on the Kyoto Protocol. We agree that it's not easy. We agree that you have to define what these emissions are as far as the targets. We understand there are some difficulties. Nobody is saying that's not the case. But what is more dangerous is us not doing anything.

When Klein says he's looking for a made-in-Canada solution, Klein is looking for nothing of the sort. He wants to get away from the Kyoto agreement altogether. That's how I'm reading what he's up to.

I'm disappointed that Eves has taken the position he has because I have a lot of respect for Ernie Eves. I did not like Mike Harris; I could not work with Mike Harris. I found him to be boorish and a thug. But when it comes to Eves, I had a little bit more respect. I'm somewhat taken aback by the position he has taken on Kyoto. It's clear now that he's got a twin: his twin is Ralph Klein and they're marching down the same road.

I'm saying that Ontario, being the largest industrial partner in our federation, should be taking a lead in order to try to do what we can to meet our commitments under the Kyoto Protocol. The government's taking the position it did yesterday, through the meeting with Mr Klein, I think was just an abysmal thing. We could have been

seen as leaders. We could be doing everything we can to develop green industries and to assist industries to meet the protocol over a period of time. We're now not meeting the Kyoto Protocol. We could have been world leaders. We could have been there at the forefront.

When it comes to other nations being able to do things to reduce greenhouse gases, one only has to take a look at Europe and the Scandinavian countries. I've been doing a fair amount of research in regard to what they've been doing around both solar and wind technologies. They've really done a lot to develop those industries and technologies so that they become much more affordable when it comes to the production of electricity. As a result, Norway, Denmark and other countries are now starting to corner the market somewhat on these technologies.

So here we are. We know there's going to be a market. Hydro prices are going through the roof because of deregulation and this government's attempt at privatizing of hydro, and around North America we're privatizing the entire hydro grid. So we know hydro prices are going to go up. They've gone up 40% in the last number of months and they'll probably go up far more than that in time. It's going to come to a point where people will be looking at green energy because it's going to become more affordable with higher hydro rates.

I say to Canada, and specifically to Ontario, that we should be jumping on the bandwagon and supporting the development of these technologies, because in supporting industries that are developing wind, solar and other green energies, we can become a world leader. We could export that technology; we could export the products we build here in Ontario when it comes to generating electricity in a more green way, thus reducing greenhouse gases.

1020

I say to the government, you're really missing an opportunity by crawling into bed with Ralph Klein. All Ralph Klein is interested in is supporting his buddies in the energy industry, who are the bigger polluters and are not interested in doing anything whatsoever when it comes to supporting a green industry. Frankly, and I understand this, the energy sector in Alberta is the most important sector of their economy, so they're doing all they can to protect their energy sector. I'm saying that here in Ontario we should be taking the view of trying to develop alternative energy sources when it comes to green energy, and we should be doing all we can to support them.

I just want to give you a couple of examples. In the riding I represent, there are a number of communities that don't have electricity through the hydro grid. A good many of the communities up on the James Bay coast and the Hudson Bay coast and also in my leader Mr Hampton's riding of Kenora have to generate electricity by way of diesel generators. I look at communities like Peawanuk, Port Severn, Ogoki and many other communities across the north. The only way they can produce electricity in those communities is by burning diesel fuel to run generators to produce power for their citizens. I say there's an opportunity here.

Do you know how much it costs to ship diesel up into Peawanuk? I'm just going to give you the story of Peawanuk, one of the communities in my riding, and the difficulties those First Nations communities are having. The federal government decided about three, four or five years ago that they would no longer pay the hydro costs of that community. It used to be that INAC, Indian and Northern Affairs Canada, used to give the bands money to pay for the generation of their electricity, and it didn't come out of their band funds. The federal Liberal government changed that policy and said, "Now you've got to go out and charge local citizens for the purchase of power," and the federal government eliminated the cost they paid toward producing electricity.

There's no money in those communities. The unemployment rate is 90-some-odd per cent, and people don't have the money to pay hydro bills. They're basically living on the meagre amount of money they get on what we now call Ontario Works and don't have money to pay their hydro bills. As a result of that, the band has defaulted on their energy bill.

The oil that was shipped by barge from Moosonee up to Peawanuk used to be shipped into the harbour, old Winisk. They have been unable to pay for that fuel. As a result, the shipper does not want to send fuel up there any more until the previous bill is paid—Catch-22. The community doesn't have the money. It's not because they don't want to pay. Boy, they'd love to pay, but they haven't got the money, and the reason is that the federal government eliminated the money they used to give the band to pay for diesel. They're now saying, "Go collect it from the citizens," and the citizens don't have the money. So the band is stuck between a rock and a hard place.

As a result, they're now having to fly fuel in to Peawanuk. Can you imagine how expensive it is if you have to put diesel fuel on an airplane and fly it up to Peawanuk to produce electricity? I'm just going to give you a bit of an idea of the distance. If I fly from Timmins to Peawanuk, because that's where they're shipping the fuel from, it's almost as far as going from Timmins down to Philadelphia. Imagine how expensive it would be if the people of Philadelphia had to get their electricity generated by diesel from Timmins and we shipped it by airplane. That's the reality for Peawanuk. They're having to pay exorbitant amounts of money for diesel to generate their electricity.

I've been talking to the Minister of Energy, and I'm glad Mr Baird has agreed to take a look at the issue of supporting some kind of initiative that would look at communities like Peawanuk moving over to green energy, use them as pilot projects to develop either wind or solar technology as, first of all, maybe a supplement to the amount of electricity they generate and, hopefully, eventually replace the need to bring diesel into those communities that are not connected to the hydro grid.

I've already talked to Peter Tabuns at Greenpeace, who is going to provide me with a great amount of information about which companies have which type of technology, the stats on how much it costs for those

technologies and how much electricity they produce. I know Mr Baird's office is doing the same; I've contacted Mr Baird and asked him to provide me with the same information. I've talked to some people in the sector who I know are working in that particular area, and I hope to put together a package and meet with the community of Peawanuk and Ogoki over the next little while to say, let's take a look at coming down to Toronto and talking to the Minister of Energy to see if he's interested in developing some sort of a project that allows them to develop green energy as a way of being able to produce electricity.

I'm looking forward to that process, and I want to thank Mr Baird for being willing to work with me on that, because I think it could be a win-win. I think it could be a win for the government in the sense that it says, "Hey, look at what we've done on green energy; we have some pilot projects in the First Nations communities," and it would certainly be a win for the communities of Ogoki and Peawanuk and Port Severn, because those communities can use the help when it comes to reducing the cost to produce electricity. It would be better if they were able to do it themselves, and do it in a way that's in keeping with their beliefs as First Nations people—the Mushkegowuk Cree and the Ojibwa—of being in tune with nature and not having to pollute. So I think this is really a win-win situation for both the communities and the government, and I'm glad to be able to play a part in bringing those people together to look at what can be done.

So I say again to the member who brings forward this motion that it's a good motion and we'll be voting in favour of it. I have to say again, however, that I am extremely disappointed in the position Ernie Eves has taken on Kyoto. I always thought he was a little bit more reasonable on this than Ralph Klein. I've changed my view. He has basically cuddled up to Ralph Klein, just in there like bosom buddies, holding arms, walking down the road, saying, "We want to develop a made-in-Canada solution," but there's no such plan. The plan of Ralph Klein is simple: he doesn't want Kyoto because it's going to hurt the energy sector.

Ontario should take a leadership role, Ontario should look at ways of being able to meet the Kyoto Protocol and how to support the development of green industries and help to support the technologies to make our industries greener, because that technology and the work and the wealth it would create would put Ontario in the driver's seat and make us a leader, and what's wrong with Ontario being a leader? Certainly the government doesn't want to go that way, and I think it's a damned shame they're going the way of following Ralph Klein, because he's certainly going in the wrong direction.

Hon Doug Galt (Minister without Portfolio): I'm pleased to make some comments about the resolution brought forward by the member from Stormont-Dundas-Charlottenburgh. The two points this member brings forward are quite laudable and quite supportive, but he really messes it up when he says that in the opinion of

this House the government of Ontario should immediately implement the Ontario Liberal clean air plan.

If he just said "should implement" and then went to his two points, I think he would get a lot of support in this House. But talking about bringing in the Ontario Liberal clean air plan, a plan that's significantly flawed, a plan that really hasn't been thought through—when you're in opposition, of course, you can promise the moon, you can promise anything when you don't expect to come to office, and so what? They just disappear and it didn't really matter very much at all.

Our government has been very, very responsible and has brought in a many, many clean air programs. Just to name a few, Drive Clean, as you know, started in the difficult areas such as Toronto, where there were more pollutant problems, but it has expanded and extended across southern Ontario. I would hazard the guess that probably there's no other state or province where a program such as Drive Clean is so broad, so extensive—a tremendous program.

A regulation that changed not too many years ago under our government, just to give you an indication of some of the things our government is doing: we reduced the level of the evaporative of gasoline—there's a special name; I believe it's the Reid Vapour Pressure. We moved it from 72 kilopascals down to 62—that's during the summertime. If you're pumping gas, you don't notice the odour of gasoline in the summertime. Of course in the wintertime it doesn't evaporate nearly as much, so the regulation on Reid pressure is not as important. But it's all about those volatile organics that go out and are converted to ozone. Add that to dust particles and you have smog. So this is another step.

Many of our generating plants have been converted, such as the Lennox generating station. It used to be an oil-fired plant. Therefore, peak periods have been converted to natural gas.

1030

There are many, many programs that our government has implemented to ensure that we would have clean air here in the province. Have we got there at this point? No, there's a lot yet that needs to be done but we are certainly working toward it. When you see McGuinty's plan, his plan says that we're going to get rid of all coal-fired power plants, have them shut down by 2007. That's just barely four years from now. It takes almost that long to build some of these plants, especially if it's nuclear, but Mr McGuinty, in the Liberal plan, has no solution. There is no solution; all he has is criticism, how he's going to shut things down.

When I chaired the select committee on alternate fuel sources, we had a signoff of all members, and that included the Liberals as well as the NDP. They signed off, and in that report, one that I am very, very proud of, they agreed that the coal plants would be phased out by 2015; and we had many other suggestions on where we would get our electricity from once they were being phased out—something that Mr McGuinty's Liberal plan has no solution to, no idea where the power is going to come from.

He's even going to seal it off from any power coming in from the US. That just points out how absurd his thinking is in the Liberal plan. It's just something that no one in their right mind could possibly support. The member bringing forth this resolution has two very good points in his resolution, except he messed it up by talking about the Liberal plan. If we bring that in, we are going to expect brownouts galore. I don't know. It will go beyond brownouts; it will simply be blackouts. There'll be no light on upstairs, as is typical in the Liberal Party.

On cleaner fuels: moving to looking at 5% by 2007 and 10% by 2010 are very laudable ideas, supporting farmers for corn production to convert to ethanol. Some of the things we've been doing, certainly in the budget back in June, which came in just a few days after my select committee on alternative fuel sources was tabled; we reduced the sales tax, the rebate on hybrid-electric automobiles, that would also cover sports-utility and light-duty trucks. We also reduced the tax on biodiesel, which would make it more acceptable, more usable by the industry.

I think a lot of things are happening, and our government is very, very serious about the select committee on alternative fuel sources. We've also invested some \$5 million into the ethanol plant in Chatham.

McGuinty's clean air plan also suggests various initiatives with respect to renewable energy. If we hadn't gone to competition in the electricity market, there would be no green power; that was not possible under the old system. They had a chance with their government, the NDP had a chance with their government, but did they do anything to bring in green power? No. We were up to a couple of windmills and that was just about it, a couple of solar panel units around the country, but now there are tremendous plans to bring in large wind farms in many locations across this province.

We're getting power plants on run of the river, rather than damming up water, which is not exactly environmentally friendly, but rather taking advantage of water that's simply running downhill and putting it through turbines and creating power.

Just in winding up so that the member from Simcoe North has about half of the time allocated to our party, I want to highlight the concern that our government has for clean air in the province of Ontario. I've spoken about several of our initiatives in that area, which will illustrate our dedication to taking action.

There is no way that we can support the Liberal clean air plan. I will reiterate, though, that I really support the thinking that the member has on his two points, but certainly not on the Liberal clean air plan.

In the interests of Ontarians, we must move forward with clean air initiatives while ensuring that we have the appropriate research and planning to stand behind our policies. Dalton McGuinty's plan does not provide us with this framework. Our government will continue to act in this area and build upon our successes.

Again, I laud the member on his two points. I think he had some really good thinking there, although the idea is

probably copied from the ideas of the select committee on alternate fuels. On the other hand, he's bringing in, in his resolution, that we would immediately implement the Liberal plan for clean air. In summary, that plan is a farce.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):

I am most pleased this morning to have the opportunity to talk on this resolution concerning the clean air plan presented by my friend and colleague the member for Stormont-Dundas-Charlottenburgh, John Cleary.

My leader, Dalton McGuinty, has already presented the Liberal plan for clean air, and he has committed that Liberals would require all gasoline in Ontario to contain 10% ethanol fuel by 2010.

I am proud to say that McEwen Fuels, a small, well-known family business of eastern Ontario—to be more precise, from Maxville, which is in my riding—has already been offering ethanol at all its outlet fuel stations in eastern Ontario. We know that eastern Ontario—Glengarry, Prescott, Russell, Stormont, Dundas and Charlottenburgh—is one of the largest agricultural sectors in Ontario. So we are already very aware of the benefit of clean fuel. My constituents are looking forward to the implementation of the Liberal plan for clean air, the Dalton McGuinty plan.

We are aware that not all vehicles are presently equipped to handle ethanol, but we must work closely with the automotive industry to increase the number of cars that can use ethanol and keep our air clean.

For several years now, a group from eastern Ontario has been trying to get an ethanol plant, in Cornwall, to be exact, that could be up and running. Unfortunately, this plant is not a priority for the Harris-Eves government.

Canada previously committed \$4 million to this plant in Cornwall. The federal Minister of Natural Resources has committed another \$1.5 million. Farm Credit Corp also committed to guaranteeing \$10 million for the company under the name of Bud Atkins, which is planning to build an ethanol plant. I understand that if this Harris-Eves government were to jump on board, which it appears they are not willing to do—or they might just do prior to the next election to win votes—Farm Credit Corp might even double their commitment.

I am told that \$38 million is required to get this plant going, but not only that. We have at the present time 3,200 individuals who are farmers and also in the private sector who have already invested over \$16 million of their own money in this project. They could lose it all if this government won't commit.

After reading Mr Eves's comments in yesterday's Ottawa Citizen concerning the Kyoto accord, and knowing that this government voted against Mr Bradley's resolution to support the accord to improve Ontario's air quality, I can see that this government is not serious about improving health in Ontario.

I have here a copy of an answer dated October 16, 2002. John Cleary, my colleague from Stormont-Dundas-Charlottenburgh, asked a question to the Minister of Energy. The Minister of Energy, the Honourable Mr

Baird, said, "As I said to the member opposite, I appreciate that he cares about this issue. So do I. I, along with my colleague the Minister of Public Security, Bob Runciman, and my colleague the Minister of the Environment, Chris Stockwell, took the opportunity to sit down with the group this past Friday in Kemptonville to learn more about the specific nature of their requests and their concerns."

1040

I wonder how serious we are about this issue. We know it is a very important issue. We know that the farmers and the private sector of eastern Ontario have invested over \$16 million. We know that Canada has already promised it would increase its participation. We know that other sectors like natural resources federally are ready to work with this group in Cornwall, but we need the support of this government to get it going. We have a lot of corn producers in eastern Ontario. If we want to increase air quality, this government has to commit itself and come up with the money required to get this going.

I was calling in Cornwall yesterday to see how much land we have in reserve. When I say "reserve," this group has already bought some 25 acres of land right in the core industrial sector of the city of Cornwall. They were not able to pay their municipal taxes because, again, we are not getting any government support on this important project.

When I look at the document I have here in which the Honourable John Baird answers my colleague John Cleary, there's a section I really enjoy reading: "There is some financial support that the previous Minister of Agriculture, Noble Villeneuve, made when he fought for this area." Noble was a well-known agriculture man in the area. He understood how important that plant was for the eastern Ontario people and the rest of the province and the rest of this beautiful country.

But we need financial support. How can we go about it at the present time to say to this government that we need it? We need the government to say, "Yes, we will support this plan as soon as possible," because we have to make a decision within the next three months. If we don't come up with any definite answer from this government within the next three months, the whole thing might fold. The farmers and the private sector that have invested over \$16 million might lose it all.

That is what I have to say. I hope this government will support this resolution because it's one of the most important pieces of legislation we could pass to guarantee the health of the whole population of Ontario.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to be here this morning, taking part in the debate on the resolution put forward by the honourable member for Stormont-Dundas-Charlottenburgh, asking us to support the Dalton McGuinty environmental plan. Of course, like any of our friend Dalton McGuinty's plans, there's no price tag attached to it whatsoever. It's simply a figment of our imagination, something that we can dream about, pie-in-the-sky, and absolutely no dollars.

For anybody in any political party to support a plan, there has to be a certain analysis done of the cost of that plan. Before Mr McGuinty provides more plans to this Legislature and to the citizens of Ontario as we lead up to a provincial election, I certainly hope he would attach some dollars to those, because what we've seen so far of most of Mr McGuinty's so-called plans is that they're probably going to cost Ontario taxpayers somewhere around \$12 billion to \$15 billion a year. Of course, Mr McGuinty has no idea where he's going to get that money to implement these plans, particularly in the light that he votes against every tax cut we've possibly had in Ontario, and those of course are what stimulate our economy.

The second thing I'd like to mention is the Kyoto accord and the plan that Mr Chrétien is trying to shove down the throats of all Canadians prior to a first ministers' or Premiers' conference on the Kyoto accord, which I understood was promised to the Premiers of our country. I think what's really important about the Kyoto accord that we as Ontarians and as Canadians should take a serious look at is that we live beside the largest economic engine in the world, the United States of America, with about 350 million people. My understanding is that the United States of America will not sign the Kyoto accord and will not be part of it.

I also understand that China and India, which I believe represent close to four billion people on our planet, are classified as developing nations and that they do not have to sign on the dotted line or are not part of it because they're developing nations.

What's incredible here is that with the emissions that come from the four billion people in India and China, as well from as the 350 million people who provide emissions into our air from the United States—I can't understand how we can think we're going to have any kind of impact by signing anything, particularly when any requirements we put on our industry to provide better emissions are just going to cost us jobs. What will happen is that people will simply go south of the border or to one of the developing nations, and our people who are paying taxes here and working and trying to raise families will have absolutely no chance of saving their jobs.

It's very important that any kind of plan should show exactly how the analysis is going to affect the economy of the particular country where the jobs will be lost. What will be the cost of implementing the recommendations of the Kyoto accord? I've heard nothing on that. We say it's X number of dollars for so much industry, and that there are these credits you can trade back and forth with other countries. I've seen no proof of what the savings will be or what the benefits will be to Canada when the United States of America is not signing on to the accord.

However, aside from the Kyoto accord, I believe, and I think we've proven it in a number of areas, that clean air is a priority for the government. When it comes to supporting clean fuels and energy sources, Ontario is a leading jurisdiction in North America. We've taken

numerous initiatives to tackle smog and improve air quality.

I'm really pleased that we heard some comments this morning from Dr Galt, the chief government whip, who chaired the alternative fuels committee. They examined options for alternative fuel sources and renewable energy across the world. The goals of the government, following the alternative fuels committee, are very clear: to provide a sustainable, efficient supply of energy to Ontarians at a reasonable cost, and to promote renewable and green energy initiatives.

I know that right as we speak there are some very interesting projects taking place with wind generation. Mr Jean-Marc Lalonde mentioned ethanol earlier in some of his comments. I know that's a strong suggestion from the alternative fuels committee.

It seems that when we're dealing with these plans, we don't have any solid, set plan from any one level of government. We've got the Kyoto accord and we've got Mr McGuinty's flip-flop sort of environmental plan, whatever he wants to call it, but we need to get something that analyzes the true cost of implementing the types of things that Kyoto recommends right across the planet, and that would include all countries on the planet, not just Canada, not just maybe Ontario, maybe Alberta, parts of Canada, parts of Europe.

I don't see where there's any consistency here, and I think what's important is that we as a country and as a province make sure we have a strong analysis of the true costs, not only to industry but to our environment, with and without the Kyoto accord recommendations.

In closing, I want to say that I appreciate the fact that we have these opportunities for debate in this House. The member, Mr Cleary, brings forth a resolution that's worthy of debate, and I think we have to work not only on the opposition's recommendations but on the government's recommendations, the Ministry of the Environment. And as a strong partner in Confederation and the leader of most of the industrialized parts of Canada, I think we have to listen to our partners in Alberta and Nova Scotia and right across our great country. I appreciate this opportunity this morning.

1050

Mr James J. Bradley (St Catharines): I want to commend the member for Cornwall, Charlottenburgh and other parts of the riding for bringing this resolution before the house. I think it's exceedingly important that we proceed with due dispatch to implement policies which are going to, first of all, bring about cleaner air; and second, will contribute to a solution to the problem of global warming.

Yesterday a report was released by Pollution Probe. By the way, I should not first of all that Pollution Probe is considered to be a very moderate, mainline environment group. It does not have any radical connotations, as it may have had many years ago. Today, Pollution Probe is seen as very centrist in terms of the environmental movement. That report was quite frightening in terms of what it points out for the Toronto and Niagara regions in

terms of some of the potential diseases and problems that could come as a result of global warming. This resolution goes part of the way to finding one of those solutions.

When I saw the Premier of the province of Ontario walk out of a meeting with Ralph Klein, the Premier of Alberta, and simply embrace the Alberta position, I was really, deeply disappointed. I can't think of many times that I've been as deeply disappointed as I was on that. The member for Timmins-James Bay made reference to the fact that we all thought there was at least a different approach that might be forthcoming from Mr Eves—I would have expected Mr Harris to step out with Mr Klein and take that position—and I was deeply disappointed when I saw that happen and when I see that Ontario apparently has not produced anything in the way of an implementation strategy for international agreements. But this resolution offers some hope in that regard.

I sat on the alternative fuels committee of the Ontario Legislature—I know the whip will give me a note of the appropriate time to sit down. That was a very good experience. We had members of all three political parties who checked their partisan hats at the door and tried to come up with some really practical, good, far-reaching and comprehensive solutions to air quality and global warming by looking at various forms of fuels and alternative ways of producing energy.

The report in itself provides a good framework for any government in Ontario to be able to meet the obligations under the Kyoto accord or any other international agreement. This is part of it. We have cleaner gasoline, we have said in the official opposition that all gasoline sold in Ontario will be required to contain at least 5% clean-burning ethanol by 2007, rising to 10% by 2010. That's not unrealistic; that's very reasonable. Ethanol is a cleaner-burning fuel produced from agricultural products such as corn. Cleaner diesel fuel as well: we want to work with farmers in industry to develop and implement an Ontario biodiesel strategy which will include in the future mandatory clean, renewable biodiesel content and diesel fuel.

So these are steps that can be taken. I hope that the members of this Assembly will agree with this. I'm pleased to see the resolution before us. I hope we can develop a consensus in this House and come up with some really practical and good solutions which will bring immense benefits.

Mr Gregory S. Sorbara (Vaughan-King-Aurora): I'm really delighted to have an opportunity, short as it will be, to speak on this resolution, for two reasons. The first reason is that it's put forward by my colleague from Stormont-Dundas-Charlottenburgh, Mr Cleary, who has informed us and all of the world that this Parliament will be his last in Ontario. I just want to take a moment or two to say to him, to the members of this House and to the province what an outstanding job he has done over the many years that he has represented his riding in the Ontario Legislature. The member is quiet, soft-spoken and has a determination that should be the admiration of any parliamentarian, young or seasoned.

I remember that when we first began to sit together in 1985, I was struck by what tremendous support he had from his constituents then, and that has continued throughout his political career.

I assume that this will be the last resolution he puts before this Legislature. I want to tell you, sir, and the members of this House, that it would be a true triumph if we could just set aside the partisan nature of this place for a while and get unanimous consent or a majority consent to pass this resolution.

It's part of an overall strategy that is critically important for Ontario. As the resolution reads, "...the government of Ontario should immediately implement the Ontario Liberal clean air plan that would: ensure all gasoline sold in Ontario contains at least 5% clean-burning ethanol by 2007 and 10% by 2010." Those are pretty high standards and objectives. It's one of, I think, the keys in the McGuinty clean air plan. It's very important to do, not just so we can start to reduce the smog, dirt and pollution that all of us are breathing day after day, and not just in our metropolitan areas. It also is a very important economic strategy for farm communities right around this province and indeed beyond, because it creates a new industry that allows us to transform what we grow into the gasoline that we use to get around in this province.

I think it's so appropriate that this resolution be put forward by the member from Stormont-Dundas-Charlottenburgh, because there is no one in this Legislature who has spoken more passionately for the interests of farmers right across Ontario, not just in his own area of eastern Ontario.

This initiative will be very important for farmers. This initiative will be very important for all of us who believe that we have a responsibility to clean up our environment. I want to congratulate my colleague for bringing the resolution to this House.

The Acting Speaker: Further debate? The member for Stormont-Dundas-Charlottenburgh has two minutes to wrap up.

Mr Cleary: First of all, I'd like to thank the members from Timmins-James Bay, Northumberland, Glengarry-Prescott-Russell, Simcoe North, St Catharines and Vaughan-King-Aurora. I know that many of them are very supportive. I think it's time that all parties work together and do what's good for the residents of Ontario.

I would also like to thank Liam McCreery from the Ontario Soybean Growers for his input into this, and Mike Buis from the Ontario Cattlemen's Association. They know what's good for the residents of Ontario.

I know that this is about more than just clean air and ethanol. It's also about jobs in Ontario.

I don't know how any member of the Legislature could vote against what we're proposing. I know that the select committee on alternative fuels did great work, and a lot of good things can come out of that.

As I said earlier, we have to work together, because we're talking about people's health. There are three

things that people want in this province: fresh drinking water, clean air and quality-inspected food.

Most members of the Ontario Legislature come here with the goal that they want to make Ontario a better place to live. They may have many different ideas, but I think we all have to work toward the same goal.

I would hope we would get some support for this resolution, because I've been involved in trying to get an ethanol plant going in our part of Ontario for many, many years, and many people have invested their money. It's time that all levels of government come together and support the program.

1100

HYDRO DEREGULATION

Mr David Christopherson (Hamilton West): My resolution reads as follows:

That this House deplores the escalating costs of hydro to residents in Hamilton and across the province. That the Ontario Legislative Assembly condemns the Eves government's deregulation and privatization of Ontario Hydro; and that in the opinion of this House, the government of Ontario should return to a system of power that is publicly owned and regulated.

The Acting Speaker (Mr Bert Johnson): Pursuant to standing order 96, the member has 10 minutes.

Mr Christopherson: First of all, I want to thank my legislative assistant, Linda Mitchell, who worked overtime and made a lot of extra efforts to make sure all the material from my constituents was available. Your efforts are much appreciated.

This is about an economic attack on the people of Hamilton and every other community across the province. This is an attack that lies right on the doorstep of this government. You've got no one else to blame, nowhere else to point. You can't tell us, "Everything's going to be fine; don't worry about it. Go to sleep. Everything will work out fine in the long run." People are hurting. People are scared. The people who are frightened the most are in many cases the disabled, seniors, individuals on a fixed income, low-income individuals, people barely struggling as it is to provide the necessities of life for their kids. Along comes your deregulation and ultimately privatization of hydro, and suddenly everybody is wondering how they're going to get through the winter and how they are possibly going to pay their bills.

I've got a number of cases, and I hope to get the majority of them on the floor.

First of all, Angela Fiorentino, a senior on a fixed income. Her bill is \$330. She made a partial payment, but then she got a notice saying that if she didn't pay the balance, they were going to cut her off. Further to that, they told her that if she was cut off, she's got to find \$400 over and above the amount already owed before they'll reconnect. How is she supposed to do that? When members of the government get up today, I don't want to hear you stand up and give us government rhetoric. I want you to tell my constituents how they're supposed to

get through the winter. They are already behind because their bills are doubled. In many cases, people on disability haven't received an increase from you. Anybody on minimum wage hasn't received an increase in almost eight years. You kept telling us that's not important. I want every one of the government members who stands up today to look into the cameras and tell my constituents just what they're supposed to do this winter. Angela Fiorentino receives \$850 a month. I want you to stand in your place and tell Angela how she's supposed to live, with \$330 for hydro. And don't tell her the rebate's coming sometime next year, because her hydro is on the brink of being cut off now.

Lest you think it's just NDP types and our followers, let me read an editorial from the Hamilton Spectator written by Howard Elliott on Friday, October 11 of this year.

"We could write an editorial a day for the next month, each one a full blown rant, and still just scratch the surface of the outrage Hamiltonians are feeling around hydro.

"They're writing letters to the editor, calling and e-mailing by the dozen. They're outraged, howling for blood. Some are fearful, some can't pay their hydro bills for the first time in their lives. They describe enormous increases, some saying they're sacrificing other basic necessities to pay for this basic essential. They are, literally and figuratively, shaking their fists and telling anyone who'll listen they're mad as hell.

"It is absolutely no exaggeration to suggest this debacle could be the thing that sinks the Conservative government. And make no mistake, it's the Tories who should bear the lion's share of the blame."

Mr Elliott goes on to say, "In the long run, maybe this whole idea needs rethinking. Given that electricity is a necessity of life, and that the people who need it have few viable alternatives, why should the electricity market be governed solely by free-market, supply-and-demand rules and philosophy?

"We don't treat health care that way, and adequate, affordable electricity is as basic and vital."

Jon Lehti has written my office. John said, "We're being gouged to death in this unregulated environment. Anything essential to the taxpayers' health and welfare should be regulated. You have, by your inaction, thrown us to the wolves, the profitmongers. I for one will be voting very differently next election."

This is from Sandra Meloche.

"Dear Mr Eves:

"I cannot believe that in a democratic society here in Canada that government would allow this to happen to its constituents. I am on a fixed income of \$825 a month (CPP). Could you please explain to me how I can pay rent and buy food and pay my huge hydro bills. Thank you Mr Eves. I am sure that due to you and your fellows, there will be a lot of old, sick and handicapped people sitting in the cold and the dark this year."

Just as an aside, I want to say how disturbed I am by the number of my constituents who are afraid to let their

names be used because they are afraid of their own government. That has never happened before, and it's not a coincidence.

Antionette DiMarino: her total bill is \$802. The hydro is around \$650. She said the total bill is more than her mortgage.

You said this was going to be good for my constituents in Hamilton. You said this was going to be good for the people of Ontario. Where? Where's the evidence? Because all the evidence I've got is the opposite. You're hurting people. They are scared. As if we aren't scared enough in this society; the way things are going right now, you have to add this burden. People don't even feel safe and secure in their own home, because they don't know how they are going to pay their bills; they don't know how they are going to buy their food. They are worried their hydro is going to be cut off, and if it's cut off, they don't have the money to get it reconnected.

That's fine if you don't want to look at me now, but you're going to have to stand up in your turn in this House, and I want you to answer to those constituents. It's your government, your policies. You supported them, every one of you. You have all got to answer to the Hamiltonians who are hurting, and to every other person in Ontario.

It's not just individuals, as if that weren't bad enough. Dofasco is a good example of a major industry in Hamilton that provides jobs and economic investment in our community. They are very successful, and they are successful because they watch every dime. They study around the world and they see where they can do new techniques and new procedures to ensure the future of the company. Do you know how much their costs are going to go up? Fifty million dollars.

1110

In the past, the government members have said, "Well, you know, individuals and businesses are just going to have to learn to plan their production better so they can take advantage of off-peak hours." Listen to what Dofasco says about that idea. This is Gord Forstner, a spokesperson for Dofasco: "It couldn't be done. We didn't know where the market was, and therefore it was impossible for us to tailor our operations to save money. But our ability to turn operations on and off with changes in electricity rates, even if we wanted to do it, was non-existent."

You're hurting people, you're hurting business and you're hurting our economy. I want you to stand in your place today, look in that camera right there and tell my constituents what they're supposed to do. And don't you dare blame anybody other than yourselves. There are people who think they're going to go hungry this winter to pay your hydro bills, and they deserve a lot better than that from their government. So stand up and defend what is probably the indefensible.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join the debate on ballot item 64. Certainly no one in this House—we all pay our electricity bills and everything—wants to be faced with dealing

with the costs of a situation that is difficult for some people to meet. Nobody wants to put a person in a situation like that. We all share that.

All in this House know well about the mismanagement at Ontario Hydro that led to debt and associated liabilities that reached \$38 billion by 1999. The same mismanagement led to customers being hit with some of the largest increases in electricity prices in our history. For example, between 1983 and 1993, wholesale electricity prices increased by 94%, an annual average rate of 6.9%. The price impacts of an "at any cost passed through the monopoly" system were largely to blame, and the monopoly structure and centralized decision-making of Ontario Hydro made such increases inevitable.

Our electricity system, which for so long had been a competitive advantage, was at risk of becoming a competitive disadvantage that would drive jobs and investment away from Ontario. We could not accept that. We could not allow Ontario to go on forever suffering from the Hydro hangover. So we set about to cure it.

The cure is a competitive market in the generation and sale of electricity within a strong regulatory framework, which this government introduced on May 1 of this year. In a competitive market, prices vary according to supply and demand. It's quite normal, in a competitive wholesale electricity market, to see variations in hourly prices due to supply and demand. For example, demand is lower at night than in the day, so prices are lower at night. Demand is also lower in the spring and fall, when temperatures are moderate, so prices are lower. Wholesale prices in May averaged three cents per kilowatt hour, and in June they averaged 3.3 cents per kilowatt hour.

I know that concerns have been expressed recently over electricity prices in the summer. I know that some have cited high prices as proof that the competitive electricity net market just doesn't work. Nothing could be further from the truth.

This past summer was the hottest in nearly 50 years, with above-average temperatures continuing well into September. That means air conditioners were running a lot more, and that put a lot of demand on the system. The increased demand led to higher prices. That's how the market, any market, works.

Under the old Ontario Hydro monopoly, the true cost of electricity would have been hidden from the consumer, only to reappear later as increased debt on Ontario Hydro's balance sheet. That is how Ontario Hydro operated, and that is why they left a \$38-billion legacy of debt.

Given the heat waves of the past summer, the electricity market performed well, as expected. Our supply held. We had access to imported power, proving the advantage of interconnection with the United States, and we certainly did not have the rolling blackouts that some predicted.

In fact, we have been importing and exporting power in this province for many years. It's certainly not something new, and it works to our advantage. It gives us a safety net during sharp spikes in demand. As we pre-

dicted, the onset of cooler autumn weather is leading to a decrease in demand and a corresponding drop in prices, the weighted average price so far for October being four cents per kilowatt hour.

There are a couple of things to remember about electricity prices. First, last summer was unusually hot, and demand was unusually high. In circumstances like this, consumers can take a number of measures to use power more efficiently, which will decrease their bills and also relieve pressure on the system. Second, the market power mitigation agreement will protect consumers from the full market price impact. The agreement will rebate at least 50% of the price increase above an average of 3.8 cents per kilowatt hour for the year on the generation part of the bill. So there is a rebate program in place.

On the other hand, customers who have signed with retailers already have a fixed price. Though prices will continue to be influenced by supply and demand, as the nuclear units at Pickering A and Bruce A stations come back into service, along with the other new developments, I am confident we will see less volatility in electricity prices.

In the long term, competition and adequate supply are consumers' best protection against unwarranted increases in the price of electricity. Thanks to competition, not only will consumers benefit from lower prices over time, they will also be able to choose to receive their electricity from cleaner, renewable energy sources.

We are already seeing a number of new clean energy projects come on-line. For example, the Ontario Waterpower Association has indicated that more than \$180.9 million is committed and planned for water projects that have been announced over the past two years. In fact, nine water power projects are currently being built or are on the drawing board here in Ontario.

TransAlta has begun construction of a 490-megawatt natural-gas-fired plant in Sarnia, which is expected to come on stream in early 2003. Huron Wind, a partnership of OPG and British Energy, is installing five 1.8-megawatt wind generators in Kincardine, which are expected to be operational by the end of this year.

Toronto Renewable Energy Co-operative and Toronto Hydro Energy Services Inc are erecting a 750-kilowatt wind turbine at the CNE in Toronto, which is expected to be operational by early next year, and Sky Generation is installing a 1.8-megawatt wind turbine at Ferndale in the Bruce Peninsula, which should be operational in November of this year.

These projects will create enough power to supply 340,000 homes, and over time the opening of the market will attract more private investment in Ontario and will lead to the construction of even more new forms of clean electricity generation.

New investment, more consumer choice and protection, a safe and reliable supply of electricity and environmentally friendly energy sources: these are what the competitive electricity market was meant to accomplish. By restructuring the electricity market, the government

has guaranteed that future generations of Ontarians have access to the efficient, reliable supply of electricity and that Ontario remains competitive in an increasingly competitive world.

In closing, I want to point out that the capacity for the electricity market in this province is secure. Experts predict that it is in a stable situation for the next 18 months. The debt is being paid down. People know through their bills exactly what is being paid, and, to the detriment of the federal government, who said yesterday that they are not going to remove the GST from that bill—

Interjection: Unconscionable.

Mr Tascona: —which I agree is unconscionable; that's going to remain on the bill. I can't believe how they could say that's a service or a debt that's being dealt with.

With respect to the rate rebate, that's in place by law. Consumers can expect that where the average annualized rate is greater than 3.8 cents per kilowatt hour, they will get a 50% rebate on the difference on the generation part of the bill.

1120

Mrs Marie Bountrogianni (Hamilton Mountain): I'm pleased to respond to the member opposite, but first I'd like to congratulate my colleague from Hamilton West for so passionately representing his constituents on this issue.

I, of course, have received similar calls, and I will go through that in a minute. But first I want to challenge my honourable colleague opposite with some of the things he said about competition. Dofasco came to you before you came on to this endeavour, and Dofasco, a huge company, is not against competition, not against privatization, but told you privately in meetings with your former Premier, "You're not ready. Unless you have the supply, don't venture into the open market. The prices will soar." They warned you. You say that you represent business. Well, here was business telling you that you weren't ready.

I would also like to give one example from my constituency, the Dairy Queen on Fennell Avenue. The hydro bill in 2001 was \$1,200. This is a business. The hydro bill last month was \$3,900. Jane Scala is asking me to ask you how she's supposed to keep her business, how she's supposed to keep her employees, how she's supposed to even think of the future in her business.

I'm trying to talk the language you say you understand, the business language, the jobs language. You failed there. It's bad enough that once again the vulnerable are paying the biggest price. I mean, you don't even listen to that any more; it's almost like you've tuned that out. But this is something that is also hurting the people you think you represent.

My constituent Cynthia Hansen's hydro in October 2001 was \$294. It is now \$414. Cynthia was told by Hamilton Hydro that less total energy was used in 2002 over 2001. That is what my constituents are saying: "We are conserving more now, we are more conscious now,

but our bills are still higher. We're using less energy now and our bills are still higher."

There's another issue that is just now starting to be talked about. People are actually turning off their external house lights. Now that it's getting darker in the winter, they maybe have them on for an hour at the most; some don't have them on at all at night. You have a lot of dark neighbourhoods now. There's a safety issue. That's a huge issue that is just now starting to come because it's just now starting to get dark earlier. People are trying their best to conserve, yet their bills are still out of this world.

I support my colleague's motion because you weren't ready to go on this endeavour. You'd like to blame other governments for the mismanagement of Hydro, but what have you done in the last eight years and what has your solution done? Your solution is not effective.

We on this side of the House are not against competition, particularly in green energy. We need green energy. Privatization is one way to get it, but it has to be with tough regulations. We know that in some areas of the province you wouldn't have the energy if it wasn't for privatization. The NDP, 10 years ago, allowed three private non-utility generators to open in the north: one in Cochrane, one in Iroquois Falls and one in Kirkland Lake. The cogeneration of woodchips and natural gas was needed. They knew that and they allowed that. Their own leader, Howard Hampton, said that TransAlta will be allowed to function in Sarnia, the Alberta company that again is a private company and is a cogenerator with natural gas and steam, a good, clean source of energy.

We're not against privatization, but it has to be with tough regulations and with generous supply so that competition is fair. You know what happened. You didn't have the supply because of your mismanagement; therefore, all's fair in the open market and prices went up.

We're not unreasonable on this side of the House. We know the challenges. But you were driven more by wanting to please your former Premier's rich friends on Bay Street than the needs of the citizens of this province. That's what angers us. You weren't going into this in the spirit of business, which will then give jobs and energy. You were going into this for your former Premier, to please his friends on Bay Street.

What is your response? To sell half of Hydro One now. And I bet after the next election, if we're unfortunate enough to see you again on that side of the House, you'll sell the other half, which is just the same as selling all our highways. You should all be ashamed of yourselves.

Ms Marilyn Churley (Toronto-Danforth): I am pleased to stand and support my colleague from Hamilton West, Mr Christopherson, and congratulate him for bringing this forward today in private members' hour.

What was really shocking was to listen to Mr Tascona, who stood up after Mr Christopherson spoke so passionately and intelligently, with facts, information and letters from real people in his own community, and we're all

getting hundreds of those faxes and letters. Our NDP leader is out again today on the Keep our Power Public bus. We are getting hundreds, if not thousands, of responses, the very same responses that Mr Christopherson gave a few examples of today. It is happening all over Ontario.

I heard from a woman in my riding in East York who got a bill recently for \$600. She's in a bungalow in East York. We think there must be a mistake, but we're getting more of those. There are others in Toronto who stayed with Toronto Hydro, who didn't sign up with the others, who right now are getting artificially low bills because for the time being they are sheltered by Toronto Hydro, which is waiting to see if perhaps by some miracle prices will go down and then they'll never see those increases. That's not what's going to happen here. They're going to get a huge shock very soon when their bills come.

What did Mr Tascona do but get up and not mention people once. He didn't talk about the seniors, yes indeed, in his riding and in all of our ridings, or people in social housing who are responsible for paying their own hydro bills and who can't afford to pay them any more, with the city of Toronto saying it can't afford to retrofit the buildings or to pay those bills for them. What are they going to do? What are you going to do with people on minimum wage, who, by the way, have not seen an increase in minimum wage since this government came to power in 1995? What are they going to do, Mr Tascona? Somebody over there address the real issue that Mr Christopherson brought up today: the fact that we are literally going to have people freezing in the dark if you don't do something about this.

Our leader, Mr Hampton, stood up the other day and questioned the Minister of Energy about a real person, a real woman, who's in a situation where she is going to have her hydro cut off. She can't pay it incrementally; she's got to pay it all at once. She's going to have it cut off. He has introduced or will be introducing a private member's bill that makes it very clear that this government will not allow—that we, the legislators, including you guys over there who did this, who privatized the system, will at least commit to passing a bill that will disallow OPG, for heaven's sake, from cutting off people's power in the middle of winter.

It only gets worse. People's bills are out of control. They can't afford to pay them. Industry is being hurt. And what do you do but stand there with the same old, tired lines about how previous governments screwed it up and how you came in on your white horses, knights in shining armour to save us from the mistakes of previous governments. You're the guys who brought in Darlington, by the way. The costs went way over budget and I think ended up costing \$19 billion.

Mr Rob Sampson (Mississauga Centre): We did Darlington?

Ms Churley: Yes, you did it. Right now, with the rates we're paying—people should know this—only about half of our bills go toward the actual power genera-

tion. The other costs go to transmission, distribution and debt service.

Mr Sampson: And GST.

Ms Churley: Yes, but we'll leave that alone for a moment. You're the guys who are responsible, but you're still trying to make excuses over there. You did this. It's not somebody else's fault. You're right about the GST. They shouldn't be charged for it. We'll go after the federal Liberal government on that. But we're here today talking about a very flawed system. We're here today saying, "Bring public power back."

1130

This is not working. In the US we are seeing more and more states deciding to pull back, to reverse their decision to privatize or not go ahead, because they're seeing what's happening there. The examples are there. This is not just scaremongering. This is really happening to people. We need answers.

They also talk about the fact that we had to privatize the system to bring in green power. We acknowledged that there was problem under the previous system. In fact, we have a plan to fix the previous public system so we can fix that and make sure conservation, real conservation, and energy efficiency programs are brought in, which we had under our government, which you guys got rid of. You don't need to do what you are doing to bring in green power. You brag about it. What have you brought in so far? I understand that only about 0.7% of the market is green power. With all your rhetoric around the fact that deregulation and privatization is going to bring in more power, you haven't brought in the right kinds of incentives and regulations to bring in the green power. It's just a sop to those who are trying to bring green power on the grid.

The NDP's plan for accountable public power includes supports for renewable portfolio standards and special funding for conservation through an assistance benefit charge, as the green power generators proposed. They just held a press conference this morning, with all kinds of ideas. Green power and conservation must come first and can be and will be, if our plan is adopted and brought into the system. I want to bring it back again.

I'm going to listen very, very carefully to the next Tory who gets up. What I want to hear you talk about is real people, the real people Mr Christopherson was talking about this morning, the real people who are not going to be able to pay their bills. What are they going to do, and what are you going to do about it?

Mr Wayne Wettlaufer (Kitchener Centre): I am pleased to rise and speak to ballot item number 64, the resolution presented by the member from Hamilton West. It's interesting that the member from Toronto-Danforth said she wants us to speak about real people. I would ask the members opposite to look above them at the school children looking down at the proceedings today. They're real people.

You're proposing in this resolution a short-term solution to a long-term problem. We have—

Interjection.

Mr Wettlaufer: Now hear me out. You had your opportunity and I didn't interrupt; now hear me out. All right?

We have a debt. The Hydro debt is \$38 billion. We have an asset of \$20 billion, leaving a net stranded debt, for which there is no asset, of \$18 billion. That's the old math: \$18 billion. That was as a result of the collective decisions of a number of governments over the last 15 to 20 years. I admit that the Bill Davis government was part of that, but you people are unwilling to admit that the David Peterson government was part of it and the Bob Rae government was part of it. You want to leave those children a debt of \$18 billion which they are going to have to pay and for which there will be no asset. You are advocating a short-term solution, I say to the members opposite.

Interjection.

The Acting Speaker: Order. Member for Toronto Centre-Rosedale, come to order.

Mr Wettlaufer: Years of mismanagement by Ontario Hydro and years of poor decisions and indecision by previous Ontario governments meant this government had to take action to change the way our electricity system works. We had to make sure that the system would work long into the future.

Our first priority is to ensure that Ontario's electricity customers are protected. We have endeavoured to put electricity customers first, from designing the new wholesale and retail markets to safeguarding our future electricity supply, thereby ensuring that safe, reliable power will continue to be supplied to consumers at competitive cost in the long term.

I say to the members opposite, compare the prices of hydro in Ontario to other jurisdictions around the world. We are competitive. We are among the lowest in Canada. I'm not without feeling on this. I know there are businesses and people in your ridings and in my riding who are being confronted with rising costs. I have rising costs too, but I do not advocate a short-term solution, as you do.

It's interesting that the NDP is advocating another short-term solution, as they did for five years when they were in government, but look at what they did to the debt of the province.

Ms Churley: What are you going to do for these people?

Mr Wettlaufer: You're advocating a short-term solution again. That's all you've ever done. You advocated a short-term solution to everything in your five years of government, and look at what happened to the debt of this province. The debt doubled. Say that to the people, say that to the children of this province, that you don't give a darn about them. You think you have a monopoly on feeling for the people. All you have is a monopoly on short-term solutions.

We moved to a competitive market because the old monopoly system wasn't working. We could continue to use taxpayers' dollars to subsidize hydro, but we've decided not to. We cannot continue to party at the

expense of our future, as the members opposite think we can. The only way to protect customers and guarantee future prosperity is to open our wholesale and retail electricity markets to competition.

As we move into the future, we will see benefits, including greater efficiencies, better service and innovation, like allowing consumers who so choose to focus their electricity dollars on green power.

For the first time, Ontario's 4.1 million residential electricity customers have a choice as to how they want to buy their power. They can decide to do nothing and their local utility will continue to supply them with power at a variable or spot-market rate, or they can purchase their electricity at a fixed rate.

It's interesting. In my riding the local supplier is Kitchener-Wilmot Hydro. They had a surplus and they elected to use that surplus by putting it into general municipal revenues. They now no longer have a surplus—they could level off the prices they charge. That's their choice. That's a business decision by the municipal government. That's fine; I have no problem with that. I'm just saying that in our case, in my riding, the price increases would have been ameliorated somewhat by another decision by the municipal government. They elected not to do that. I suppose there are other municipalities or local utilities that have done likewise. So why don't you take a look at those local utilities or municipalities that made decisions in that regard 18 months or two years ago?

No matter what choice consumers make, their local utility will continue to deliver electricity and bill customers for transmission and distribution. They'll still be responsible for the safety and reliability of local distribution. The transmission and distribution of electricity is regulated by the OEB. We put into place very tough regulations for the OEB to regulate the local supply and local distribution of electricity. My time is running out so I can't get into that, unfortunately. I wish I could. If the opposite members would allow me to, I would.

1140

Mr Sampson: On a point of order, Mr Speaker: I know you would want to know that watching from the galleries today are students from West Lynde Public School in Whitby and from St Philip school in the great state of Mississauga.

The Acting Speaker: I'm very pleased to have these students as our guests.

The Speaker recognizes the member for Davenport.

Mr Tony Ruprecht (Davenport): I'm delighted to participate in this debate. I want to point out a number of items. First, I think it's important to realize that the documents that were released by the US Federal Energy Regulatory Commission—all of you have a copy—show that a so-called free market in electricity generation is intrinsically flawed and susceptible to price fixing, artificial shortages and widespread abuse.

Both opposition parties were warning this government of what would happen when you opened the market in May. I remember the Minister of Energy getting up and

saying, "Oh, look, you know, early summer, the prices"—it was 4.3 cents per kilowatt hour—"are going down. We can take credit because we opened the market." But now, when the prices are going sky high, where are they? Where is the government? Where are the backbenchers standing up and saying, "We want to take credit for it, or do we take the blame?"

What has happened is that all of us know, all of Ontario knows, you've made a mess of a deregulated market. You opened up the process. What happens when there are brownouts, especially about Toronto? What are you going to do about Yvette Brown who has got a bill that's already doubled? She's on a fixed income.

We have literally hundreds of examples here on both sides—you get the calls as well—and I want you to look them in the eye and say, "You know what? The prices will be coming down soon." Because the prices will not come down soon. I'll make one prediction: everyone today who gets up to try to justify what you've done, to justify it in terms of saying, "The opposition is simply doing it because it's a short-term solution, but the Conservatives are thinking ahead about our children's future; we're thinking about a long-term solution and we have to bite the dust in the meantime"—we have example after example where people are going to freeze this winter, example after example where small businesses are going to have to suffer through it; their prices have doubled too.

My colleague from Hamilton Mountain was indicating, and so was the member from Hamilton West, that Dofasco's bill is going to be increased by \$50 million in one year. It's simple; that kind of math adds up. The government always says, "Let's add up the numbers and see what the numbers say." The numbers are clear. How could it be mistaken when a senior citizen on a fixed income is going to have their hydro bill doubled? Is that a mistake? Is that temporary?

Just wait until Toronto Hydro releases its bills. We know that some of these bills are capped and some are floating. When the caps come off there will be hundreds of thousands calling us and the place will be lighting up, saying, "What are you doing?" My prediction will be the following, and mark it well: this government will back-track rapidly—rapido—and it will say, "I think we made a mistake." Today they proudly say, "We think of long-term solutions." Tomorrow, or not too long from today, they're going to have to bite themselves and say, "We made a mistake. We're either going to go back to the old system of controlling regulation or we're going to give big discounts in terms of paying money back to the consumers."

Do you know what the prediction is? You're going to go back. You're going to eat your own words today, because you're proud of what you've done and you shouldn't be because you're hurting people.

It is very clear that years of mismanagement—are we almost getting to the point?

Interjections.

Mr Ruprecht: We're at the point right now. Mr Speaker, I have two more predictions but I'll quit right

now because there are many more speakers who want to talk on the subject.

Mr Michael Prue (Beaches-East York): I would like, first of all, to commend my colleague from Hamilton West for the excellent job he has done in bringing this matter down to real people. Very often we talk about policies in this Legislature but we all too seldom talk about real people. I'd like to talk a little bit about what's happening, or what isn't happening, in the city of Toronto, where I have lived almost my entire life.

People, my neighbours, are wondering what the hydro debate is about because they have not felt that debate. They have not seen the costs in their bills. They do not even understand what their bills say. They haven't seen the kind of rises we have seen outside of Toronto and in many of the communities around Ontario. They have been shielded. But their day of reckoning is coming, and all too soon, because Toronto Hydro is banking on the fact that prices will potentially go down in the fall and stay down all winter. I think it's a mug's game and probably a very foolish prognostication.

Before coming to this Legislature, as many of you know, I was on the city of Toronto council, but before that I was the mayor of East York. Part of my duties there was to sit on the hydro commission of East York and to meet, quite often, with the hydro commissioners across the municipalities of what were then the six municipalities of Toronto, and the hydro commissioners from outside of that area. I will tell you without a doubt, the big months for hydro usage inside the now city of Toronto, or Metropolitan Toronto, or the GTA, are not the summer months, as the members opposite keep telling you about the summertime, the hottest summer on record. The big months of usage are December and January. When December and January come and the usage goes way back up again, we are going to be paying. Those are the same months that the hydro dams are not able to put out the amounts of water that they can in the spring, fall and summer months, because many of our lakes and rivers are frozen, the flow is not the same, and we have to rely on other forms or energy, especially coal.

Interjection.

Mr Prue: No, it doesn't freeze up, but many places do in northern Ontario. If the member opposite would ever travel that far north he'd know it's pretty cold.

We know, and I will make that prediction too, that come this December and this January, the spikes are going to be there, the usage is going to be there. Just stop to think about it, members opposite and those who are perhaps watching on television: why are those months the heaviest? It's quite clear it's the highest usage then because of the lights, and we go into daylight savings this coming weekend. The lights are a huge factor, because at 4 o'clock when you're driving home you'll see that the streetlights are on, the house lights are on, and you don't have that in the summertime. There are Christmas lights, of course, for all those people who celebrate the holiday by lighting up their homes, and there are tens of thousands of people who will do it in spite of the cost. You

have the problem of heating: many places are electrically heated, or use electricity as part of the heating process, or space heaters. You have cooking: people do a lot more of that in the wintertime. You have entertainment, computers, televisions; you have people at home using that electricity. So what the members opposite are thinking, that the costs are going to come down this winter, is not going to happen. They are going to come down a little bit, perhaps, for October, and then they're going to start going right back up in the same sort of progression that we saw this summer. That's when the people of Toronto are going to notice it, because come next year when they get their bill, they're going to be in for one big shock.

Public power has been a godsend to this province. I would remind, especially the member who represents Kitchener, who spoke just a few minutes ago, that the first public power in this province went into Berlin, Ontario, which is today Kitchener. When Sir Adam Beck threw the switch, the father of public power threw the switch in Berlin, Ontario, in the place that he now represents, it said, "For the people!" I think the member for Kitchener should remember that it was for the people; not for the corporations, not for the people who were investing in it, not for the people who were going to make profits but for all of us, especially for those people who could not otherwise afford it.

There has been a problem, and even the people of Toronto are noticing it, those who are fortunate enough to have cottage properties outside of the city. When they are getting their cottage bills this year, they are horrendous. People are seeing \$600 and \$700 bills where they're used to see \$100 or \$200. There's no air conditioning there and there's not much use of hydroelectricity. The most disgraceful thing that's happening is the minimum charges that are being put on out there. People who try to conserve electricity and aren't using much of it in their cottages, who used to pay a minimum \$25-per-month charge, are now paying \$100, \$200 or \$300 for electricity they used to get for a minimum charge.

We really have to start doing something to protect consumers. This bill is about protecting consumers. I would advise the members opposite to actually open up their e-mails and open up their letters from their own constituents and they will know that they are very angry. They are looking for a solution today, not 20 years from now.

1150

Mr James J. Bradley (St Catharines): It is my intention to support what I consider to be a very good resolution put forward by the member for Hamilton West.

If we were to canvass our constituency office staff and ask them what issue is first and foremost in the minds of individuals in our communities, at least the plurality of the calls, if not the majority of calls, would be related to the huge hydro bills which are now coming in, the cost of electrical power to the people of this province. Some have not yet seen it in its full extent, because they've not seen it being reflected in rent increases. I would see some

very substantial rent increases that will be forthcoming as a result of these huge electrical bills.

I have several people who have been confronted with different problems. Here's a person whose hydro bill went from \$320 to \$704. He has a modest-sized home. Here's another individual who's on ODSP and cannot afford the increase from \$80 to \$189. She contacted the local utility and that only upset her, because she was told if she didn't pay the bill, she would be cut off. Another individual: the bill went from \$197 to \$430. This individual's wife is disabled and requires extra care. Another one: she has lived at this address for almost 30 years and has never had a bill over \$180. Her bill this month was \$366.

Another individual, a senior citizen, very much involved with senior citizens' affairs: his previous bill, approximately \$300; his latest bill, \$561. He might not be able to pay his bill this month. An individual who lives in a semi-detached house, four people in the home, two adults, two children: the hydro bill received, the last one I have a record of: \$559. Another says she cannot afford to pay this month's hydro bill. The bill is for \$221. This person, a widow with two children, says she lives in a small apartment. She has a 12-year-old daughter who is disabled, and she receives money from Ontario Works.

Time after time people are calling. People in businesses are calling to say that hydro rates are jumping. Despite what they were assured by members of the Eves government, their hydro rates are jumping tremendously.

I sat on the alternative fuels committee. One of our recommendations was that the government of Ontario, through publicly owned Ontario Power Generation, proceed with Beck 3, yet another addition to power generation in Niagara Falls. That's clean power. The environmental assessment has already been done, and it's the kind of power we need coming on to the grid. It's important that we retain complete public ownership of the transmission grid. Whether it's ownership by local utilities or by Hydro One, that should be in public hands because that is like a public highway.

We recognize that today there are what we would call some smaller private projects that are already on the grid. In the Niagara Peninsula we have them. There's Great Lakes Power. There are a number of them. However, it is my view—and I think the member for Hamilton has expressed it well—that indeed predominantly in this province, in a very dominant role, public power should be prime in Ontario. Without it and without very strong regulation, which we obviously don't have now, these bills will continue to go through the roof.

If anybody thinks the summer was bad, keep in mind that a cold December, January and February will mean that hydro bills will be increasing tremendously. It is simply unacceptable that this government has allowed this to happen. Despite all of their assurances that their big, massive privatization, their massive deregulation of the market would produce much lower prices, exactly the opposite has been the case. That is why we need a huge public presence in both the generation and the trans-

mission and distribution of hydroelectric power and other electric power in this province.

The government must take action immediately. Rebates will be of some use in the shorter term and must be provided to the people of this province. In the longer term, this government must abandon a policy that has failed and is costing the people of this province amounts of money they never anticipated.

The Acting Speaker: The member for Hamilton West has the rest of his caucus time plus two minutes to wrap up.

Mr Christopherson: Thank you very much, Speaker. I appreciate that.

First of all, thank you to all the members who took the time to respond. I appreciate that. Let me just say to the member for Kitchener Centre that no one is going to argue that there isn't a problem. That's not the issue. Yes, there's a problem. Yes, all three parties can take their share of the blame. You can argue who should have more responsibility. That's not the issue. No one is saying there isn't a problem. What we have a problem with is your solution.

I want to point out that neither you nor the member for Barrie-Simcoe-Bradford addressed the issues of my constituents. You stood up and berated us and berated them and berated everybody else, but neither one of you stood in your place and told my constituents how they're going to get through the cold winter.

I don't know what you're saying to your constituents in the background and I don't know what kind of cabinet promise you must have got to stand up and make that politically suicidal speech, but if you think that somehow that's an adequate response to the pain and suffering that's going on in the community right now, you're sadly mistaken.

It's equally insulting that the member for Barrie-Simcoe-Bradford droned on about macro situations over the last umpteen years. You said you were going to fix the problem. We all acknowledge that there's a problem. What we have a further problem with is your solution. Let me just quote you, by the way. You said, "We've got to stop partying at the expense of our future." I don't think eating, heating and lights are any kind of partying. It's called survival, and it's tough enough to do in this province given everything you've done to the people.

When you brought in deregulation, it was 4.3 cents per kilowatt hour. In July it was 6.2, in August it was 6.94, in September it was 8.31. As my colleague has pointed out, the winter months are the worst. We're going to feel the biggest pressure. We've been told there's going to be a supply problem, contrary to what your Minister of Energy said, that "Oh, don't worry, there'll be lots of energy," as if we were some kind of fools over here for even raising the question.

This is going to get a lot worse. I've got people who are scared. They're already behind in their hydro bill.

Interjection.

Mr Christopherson: Don't start heckling me now. You had your chance to answer the people of Ontario and

you didn't do it. You insulted them. They're scared. They're behind in their hydro bill. Their hydro is going to be cut off. They've got to cough up another 400 bucks to get it reconnected. They still owe the money and next month's bill is coming. You didn't say one word about how constituents, ordinary Ontarians, are going to deal with that.

If you do nothing else, please participate: www.publicpower.ca. Put the pressure on them. We can stop them if we stick together.

The Acting Speaker: The time for private members' business has expired.

CLEAN AIR PLAN

The Acting Speaker (Mr Bert Johnson): We will deal first with Mr Cleary's resolution, ballot item number 63.

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

Call in the members. It will be a five-minute bell, and we will put that off until after the next item of business.

HYDRO DEREGULATION

The Acting Speaker (Mr Bert Johnson): The next order of business is the resolution standing in the name of Mr Christopherson, ballot item number 64.

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1200 to 1205.

CLEAN AIR PLAN

The Acting Speaker (Mr Bert Johnson): All those in favour of Mr Cleary's resolution, ballot item number 63, will please rise and remain standing until named by the Clerk.

Ayes

Bisson, Gilles
Bountrogianni, Marie
Boyer, Claudette
Bradley, James J.
Caplan, David
Christopherson, David
Churley, Marilyn
Cleary, John C.
Colle, Mike

Conway, Sean G.
Cordiano, Joseph
Crozier, Bruce
Duncan, Dwight
Gerretsen, John
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc
Marchese, Rosario

Martel, Shelley
McMeekin, Ted
Patten, Richard
Peters, Steve
Prue, Michael
Ruprecht, Tony
Sergio, Mario
Smitherman, George
Sorbara, Greg

Nays

Arnott, Ted
Baird, John R.
Barrett, Toby
Chudleigh, Ted

Hastings, John
Hodgson, Chris
Hudak, Tim
Johns, Helen

Mushinski, Marilyn
Ouellette, Jerry J.
Sampson, Rob
Snobelen, John

Clark, Brad
Coburn, Brian
Cunningham, Dianne
DeFaria, Carl
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Galt, Doug
Gill, Raminder
Hardeman, Ernie

Kells, Morley
Klees, Frank
Marland, Margaret
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
McDonald, AL
Miller, Norm
Molinari, Tina R.
Munro, Julia

Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Witmer, Elizabeth
Wood, Bob

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 27; the nays are 42.

The Acting Speaker: I declare the motion lost.

The doors will be opened for 30 seconds for those who want to exit or enter.

HYDRO DEREGULATION

The Acting Speaker (Mr Bert Johnson): All those in favour of Mr Christopherson's resolution, ballot item number 64, will please rise and remain standing until named by the Clerk.

Ayes

Bisson, Gilles
Bountrogianni, Marie
Boyer, Claudette
Bradley, James J.
Caplan, David
Christopherson, David
Churley, Marilyn
Cleary, John C.
Colle, Mike

Conway, Sean G.
Cordiano, Joseph
Crozier, Bruce
Duncan, Dwight
Gerretsen, John
Kormos, Peter
Kwinter, Monte
Lalonde, Jean-Marc
Marchese, Rosario

Martel, Shelley
McMeekin, Ted
Patten, Richard
Peters, Steve
Prue, Michael
Ruprecht, Tony
Sergio, Mario
Smitherman, George
Sorbara, Greg

The Acting Speaker: All those opposed will please rise and remain standing until named by the Clerk.

Nays

Arnott, Ted
Baird, John R.
Barrett, Toby
Chudleigh, Ted
Clark, Brad
Coburn, Brian
Cunningham, Dianne
DeFaria, Carl
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Galt, Doug
Gill, Raminder
Guzzo, Garry

Hardeman, Ernie
Hastings, John
Hodgson, Chris
Johns, Helen
Kells, Morley
Klees, Frank
Marland, Margaret
Martiniuk, Gerry
Maves, Bart
Mazzilli, Frank
McDonald, AL
Miller, Norm
Molinari, Tina R.
Munro, Julia

Mushinski, Marilyn
Ouellette, Jerry J.
Sampson, Rob
Snobelen, John
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Stockwell, Chris
Tascona, Joseph N.
Tsubouchi, David H.
Turnbull, David
Wettlaufer, Wayne
Witmer, Elizabeth
Wood, Bob

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 27; the nays are 42.

The Acting Speaker: I declare the motion lost.

Mr Garfield Dunlop (Simcoe North): On a point of order, Mr Speaker: I wanted to introduce Ms Pinell and her grade 5 students from Couchiching Heights Public School in Orillia, along with some mothers.

The Acting Speaker: That is not a point of order, but we are pleased that you are with us today.

It being well after 12, this House stands adjourned until 1:30 o'clock this afternoon.

The House recessed from 1212 to 1330.

MEMBERS' STATEMENTS

IMMIGRATION POLICY

Mr Tony Ruprecht (Davenport): I have with me a press release from the Minister of Citizenship in which he says that Ontario seeks to spread immigration to smaller centres. While we agree with the sentiment essentially, let's see what's wrong with this, first in process, then in substance.

The process is that the minister has the right to come here and to make a statement, appropriately, to the opposition. That's the process. In that case we have a right to respond. What he has done is to simply let us know through a press conference what his new policy is going to be. Is that acceptable to you, Mr Speaker? It cannot be. Thank you very much. It has to be a two-way kind of communication so that policy is not being done at night or on the fly. It has to be of substance.

In terms of the substance itself, let's have a quick look at it. Ontario is accepting roughly 135,000 immigrants from all over the world right here. More than 80,000 of these new immigrants are skilled immigrants. The question arises, of course, what will he do with those who are already here? If he is inviting new immigrants from all over the globe to come and issue temporary work permits so they can be bound to centres outside Toronto, what will he do with those who are already here, the 80,000 and above?

That kind of policy is important to us. He should come here and explain himself. We cannot accept this charade of having the minister introduce new legislation through a press conference.

HIGHWAY 406

Mr Peter Kormos (Niagara Centre): It was back in 1999, over three years ago, that the then Minister of Transportation, one Mr Clement, came down to south Niagara, to Welland, and announced that this government was going to embark on the extension of and four-laning of the 406 down into Port Colborne. To date, over three years later, we haven't seen anything by way of the progress of the plans that we were told were underway. This is of vital interest to Welland and even more so to Port Colborne, which has no access to the 406 as it exists now. This is an industrial manufacturing area. We've already lost significant industries down there in Niagara region, and we need that extension and four-laning if we are going to make those industries that exist viable and permit them to survive and indeed if we are going to attract more.

I hope that my colleague the member for Erie-Lincoln has been adamant with his cabinet colleague the now Minister of Transportation, the member for Erie-Lincoln of course advocating on behalf of his people in Port Colborne and the surrounding area to get this extension and four-laning underway. People down there in south

Niagara would appreciate an announcement promptly from this government and want to see work commence now on the extension and four-laning of 406 through Welland into Port Colborne.

CELEBRATION OF THE ARTS
IN YORK REGION

Mrs Julia Munro (York North): On Sunday evening I was pleased to attend the second annual York Region Newspaper Group Celebration of the Arts. The event showcased the best of York region's rising young performers and artists. In my riding of York North we are fortunate in having a vibrant and thriving arts community. There were many artists and performers recognized and awarded bursaries on Sunday evening. Two residents of my riding were honoured.

Ken Percy of Newmarket is a graduate of the Glenn Gould professional school of the Royal Conservatory of Music. He plans to attend the University of Ottawa where he has been accepted into the guitar master's program. Ken is a versatile performer whose repertoire includes works by Sor, Bach, and extends to the Spanish masters. Ken has received many awards, including the prestigious Royal Conservatory of Music silver medal three times.

Sara Dorman of Newmarket is approaching her final year in the bachelor of fine arts (musical theatre) program at the University of Windsor. She is pursuing a career as a singer, actor and dancer. Sara has a rich performance history which includes church solos, choral work and a nine-month run as part of the choir working with Donny Osmond in Joseph and the Amazing Technicolor Dreamcoat.

It is personally rewarding for me, as parliamentary assistant to the Minister of Culture, to recognize and support the upcoming artists.

A special thank you as well to the Huron Heights Secondary School jazz band and choir, whose work brought the show to life. I'd also like to thank the Ontario Trillium Foundation for its ongoing support of the arts in York region through Artlink.

Once again, congratulations to the York Region Newspaper Group for their leadership in promoting the arts, especially our young visual and performing artists.

DOFASCO INC
AND HAMILTON POLICE SERVICE

Mr Dominic Agostino (Hamilton East): I rise today to pay tribute to two great Hamilton employers, Dofasco Inc and the Hamilton Police Service.

Recently, Maclean's magazine released their annual list of the top 100 employers in Canada, and both Dofasco and Hamilton Police Service made the cut. Dofasco was given special kudos for its profit-sharing since 1938, an outstanding accomplishment that has survived many turbulent economic times. Dofasco is also the proud home of a recreation and teaching facility promoting a balanced life for its 7,526 employees. The

Hamilton Police Service and its 1,080 employees were recognized in the top 100. What is remarkable is that they are the only police service in Canada given this recognition as one of the top 100 employers in the country.

This only goes to show what I already know to be true, that Hamiltonians are lucky to have some of the brightest and hardest-working police officers, men and women and civilians, serving our community. I am happy to know that the officers are also given special opportunities—it was mentioned in this report—to lead a well-balanced life, with many incentives like job-sharing and time off for volunteering in the community.

I want today to congratulate John Mayberry, the president and CEO of Dofasco, and police chief Ken Robertson of the Hamilton Police Service. Both individuals have done a great deal to help our community. We are very proud in Hamilton to have an employer such as Dofasco. Their slogan, “Our product is steel, our strength is people,” very clearly applies again. Congratulations to Dofasco and again to Chief Robertson and an outstanding, first-class police force of men and women and civilians who serve and protect our community. Maclean’s has given them that recognition.

BROCK UNIVERSITY

Mr Bart Maves (Niagara Falls): I rise today to talk to you about Niagara’s own Brock University. The Globe and Mail released a special report, University Report Card, yesterday with the rankings of universities across the country that were drawn from University Report Card responses by nearly 21,000 students.

I was impressed, but not surprised, to see that Brock University in Niagara ranked sixth in overall results. Brock scored ninth in quality of education, just one behind the University of Toronto.

Not surprisingly, Brock came in at number 5 for buildings and facilities. Brock has been the recipient of significant SuperBuild funding from this government. Over \$15 million was provided to Brock to help with the construction of its new academic complex. Brock also received approximately \$2.4 million out of the 2001-02 SuperBuild facilities renewal program to help modernize and upgrade existing facilities. In fact, at that point in time, students voted in a referendum to increase their own fees to contribute to those facilities, a wonderful move and vote of confidence on their part.

Brock University continues to be an ideal choice for students across the province. Students surveyed ranked Brock fifth for university atmosphere and second for financial assistance.

I would like to take this opportunity to congratulate Brock University, its staff and students, on their great performance in this survey. I’m proud to represent a region with such a prestigious and recognized university. The rest of Canada is waking up to the university sector’s greatest secret: Brock University is one of Canada’s finest institutions.

MEMBER FOR MISSISSAUGA WEST

Mr George Smitherman (Toronto Centre-Rosedale):

Like most members of this House, I know relatively little about the fine state of Oklahoma, except for the musical, of course. Did you know that Oklahoma produced the bank robber Pretty Boy Floyd? I bet you even he could teach John Snobelen a thing or two about the fast getaway. Did you know it was the birthplace of Geronimo, and that Oklahoma’s favourite son is Chuck Norris, the karate-kicking star of Missing in Action?

But Oklahoma is for cowboys, from Tom Mix to Will Rogers. One Oklahoma cowboy said, “The best place for me is on the back of a horse looking at the backside of a bunch of cattle. To me, it just doesn’t get any better than that.” The only problem is that the same Oklahoma cowboy was elected and is paid to be an MPP here in Ontario.

John Snobelen wants to be a cowboy. That’s his right. We all have dreams. I want to join the Village People. Regrettably, I don’t have a trade and I can’t sing, but I am willing to put in a good word for John Snobelen. But he cannot serve his constituents in Mississauga from the back of a horse in Oklahoma. John Snobelen must resign, because Mississauga deserves to have someone who will put them first and the backside of the cattle second.

1340

OLIVER GAFFNEY

Mr Bert Johnson (Perth-Middlesex): I rise today to tell my fellow members about a very distinguished individual from my riding of Perth-Middlesex.

During this the 50th season of the Stratford Festival, it is only fitting that the city of Stratford’s senior citizen of the year be Oliver Gaffney. Mr Gaffney was involved in the creation of the Stratford Festival in 1953 and his company, Gaffney Construction, built the original amphitheatre and stage. He is also a past president of the Stratford Festival Foundation.

While Mr Gaffney says he is most proud of the role he played in the beginning of the now world-famous Stratford Festival, he has given his time to a great number of other local causes and organizations. Mr Gaffney’s community involvement also includes having been a district governor of the Rotary Club of Stratford, past president of the board of the children’s aid society, member of the board of directors of Stratford General Hospital, and chair of the YMCA building committee.

It is citizens like Oliver Gaffney who make Stratford a great place to live and work. I want to take this opportunity to thank Mr Gaffney for his tireless work on behalf of the citizens of his community and congratulate him for being named Stratford’s senior citizen of the year.

GOVERNMENT’S AGENDA

Mr Dwight Duncan (Windsor-St Clair): I just wanted to take a moment to review the government’s

legislative agenda for the first few weeks of this session. I'd remind members that on September 18, Ernie Eves, Ontario's Premier, said he would be bringing forward a busy legislative and policy agenda when the Ontario Legislature resumed on September 23. Well, he promised it. Let's see what we've done.

It's been five weeks, 32 days, since we came back to this Legislature. We have had eight ministerial statements and six new government bills. And get ready for this. How many do you think have been passed?

Mr John Gerretsen (Kingston and the Islands): None.

Mr Duncan: None. Not one government bill passed.

The current government House leader must have the greatest record when it comes to time allocation. This government has to time-allocate bills that all three parties in the Legislature support. What kind of record is that?

Where is the Safe Drinking Water Act? Have we seen that? No.

The investor security legislation: have we seen that? No. All we've seen on that file is an attempt by the government to make it more difficult to gain access to information on all of that.

This government is not dealing with the problems. It's not dealing with health care and education. Move aside. Dalton McGuinty and the Ontario Liberals are ready to do just that.

ROAD SAFETY

Mr R. Gary Stewart (Peterborough): Mr Speaker, I'm delivering this statement on behalf of the member from Durham, Mr John O'Toole.

I rise today to congratulate the school communities of Clarke High School and the Pines Senior Public School who have successfully advocated for community safety zones on Highway 35/115 in Durham riding.

By way of background, traffic for these schools exits and enters on to Highway 35/115. This is a very busy divided highway. As the traffic flows increased, there were concerns over the safety of school buses and cars accessing the highway. That led to a number of suggestions, including the introduction of community safety zones. I am pleased to report that early this month they held the official opening of the community safety zone. Drivers may face increased police presence. Those who exceed the 90-kilometre-per-hour speed limit face double the usual fines. Most importantly, the safety zones help alert traffic to the presence of the schools.

I think it is important to say this is a co-operative effort between the school council, the Kawartha Pine Ridge District School Board, the Ontario Provincial Police, the Ministry of Transportation and the municipality of Clarington.

There are many, many people to thank for their initiative and for their co-operation in making the community safety zones a reality. They worked very hard to get it. We will continue to work on other road access issues for

these schools because there is more to be done. However, I am pleased to report that progress has been made.

INTRODUCTION OF BILLS

FIRE PREVENTION WEEK AND FIREFIGHTER RECOGNITION DAY ACT, 2002

LOI DE 2002 SUR LA SEMAINE DE PRÉVENTION DES INCENDIES ET LE JOUR DE RECONNAISSANCE DES POMPIERS

Mr Wood moved first reading of the following bill:

Bill 194, An Act to proclaim Fire Prevention Week and Firefighter Recognition Day / Projet de loi 194, Loi proclamant la Semaine de prévention des incendies et le Jour de reconnaissance des pompiers.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Mr Bob Wood (London West): This bill officially proclaims in Ontario Fire Prevention Week and Firefighter Recognition Day, to be observed at the times in October of each year that they are now observed. This bill is intended as a companion to the firefighters memorial bill now before the Legislature, and I may, at the appropriate time, move the provisions of this bill as amendments to the firefighters memorial bill.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Mr Speaker, I believe I have unanimous consent to move a motion without notice regarding private members' public business.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Hon Mr Stockwell: I move that notwithstanding standing order 96(d), the following changes be made to the ballot lists for private members' public business:

Mr Ruprecht and Mr Kwinter exchange places in order of precedence such that Mr Ruprecht assumes ballot item 68 and Mr Kwinter assumes ballot item number 65; and

Mr Kennedy and Mrs McLeod exchange places in order of precedence such that Mr Kennedy assumes ballot item 71 and Mrs McLeod assumes ballot item 67; and

That, notwithstanding standing order 96(g), the requirement for notice be waived with respect to ballot item 65.

The Speaker: Mr Stockwell moves—

Interjection: Dispense.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

ORAL QUESTIONS

HYDRO RATES

Mr Michael Bryant (St Paul's): My question is for the Minister of Energy. I've got in my hand a Toronto Hydro bill, the "gobbledegook" that you referred to during estimates committee. I know you weren't able to read an energy bill then, but you probably have memorized every line item by now, so maybe you can explain to the people of Ontario what the last item is on every Toronto Hydro bill and many other bills like it. It's called a PPVA. What the heck is a PPVA, a purchase power variant account balance?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): In two or three, maybe four, municipalities in the province the public utilities in those communities are billing on a fixed rate. In the city of Toronto I believe it continues to be billed, after market opening, at 4.3 cents. Whenever hydro is lower than that, they would accrue a credit, for example in the months of May and June, and whenever hydroelectricity is more expensive than that, such as the three months previous, they would accrue a liability.

The overwhelming majority—some 90%; 95%—of public utilities in the province of Ontario were able to go to the spot market when the market opened on May 1.

Mr Bryant: These utilities, and Toronto Hydro is one of them, basically are saying to their customers that not only do they get zapped every month with skyrocketing hydro bills, but they also get whacked with a big bill at the end of it, a hydro bonus bill. You don't just get a monthly bill. People get a hydro bonus bill that will add up month after month—it could be hundreds, it could be over \$1,000—and they're going to have to pay this bonus bill at some point down the road.

People on a fixed income aren't going to be able to afford this bonus bill when it finally arrives at their doorstep. How could you have bungled this one, Minister, and now that you know, how are you going to fix it?

1350

Hon Mr Baird: The member opposite can't have his cake and eat it too. For example, in the city of Toronto, his constituency, the rate of the commodity hasn't changed since market opening. It has remained constant at 4.3 cents. The member opposite is wrong in his assertion that people would be hit twice for a differentiated price on a commodity. In the overwhelming majority, local distribution companies were able to go to the variable price on the commodity. The one in his constituency was not able to do that.

If the member opposite wanted to speak with representatives of Toronto Hydro today, he would find that

this minister has been quite co-operative in working with them on this challenge.

Mr Bryant: The real injustice here is not just the bonus bill, it is that—and get a load of this—every month people are charged interest on their bonus bill.

Interjections.

Mr Bryant: Yes. That's like sending somebody a Visa bill and not letting them pay off the whole amount and then charging them interest every month for the amount outstanding. People are calling into our constituency offices and saying, "This is outrageous. I want to pay the bill now. I don't want to be charged interest down the line."

This grossly unfair mandatory loansharking by the government of Ontario is outrageous and they want to blame it on Toronto Hydro, but try again. You set up the system. You set up the market. You're the government of Ontario. Now that you know, what are you going to do to fix it?

Hon Mr Baird: That is an argument which is so far away from the facts in this case, it's to the point of being absolutely ridiculous. The entire basis for the member opposite's question is entirely false. Eighty-nine or 90 local distribution companies in Ontario were prepared when the market was opening. In the case of his utility, the local utility was not ready.

I would encourage the member opposite to speak to Toronto Hydro and ask if John Baird and this government have been prepared to stand with them and work with them, and they would say we have. We've been working very hard with Toronto Hydro to ensure that this issue was dealt with to the benefit of all consumers in Ontario.

GLOBAL WARMING

Mr James J. Bradley (St Catharines): I have a question for the Minister of Health. Pollution Probe released a report today which has some very disturbing predictions about the consequences of global warming and climate change for the greater Toronto area and the Niagara region.

Among the provisions of the report, which was prepared by a number of credible, well-respected leading scientists, physicians and policy-makers, were the following:

"There will be an increased exposure to West Nile virus"—and you've seen that already—"dengue fever, malaria and Lyme disease as insects carrying these diseases travel north, as our climate warms.

"Up to 450 deaths among the elderly will result from an increasing number of 30-degree-plus days in Toronto and Niagara.

"A 39% increase in the number of oppressive air masses—accompanied by smog episodes, excessive temperatures and high humidity.

"Increased risk of water-borne illnesses, such as E coli, giardia and cryptosporidium."

Minister, in view of the dire consequences predicted in this, are you not deeply disappointed by the attitude of your Premier standing side by side with the Premier of Alberta in opposing the Kyoto accord?

Hon Tony Clement (Minister of Health and Long-Term Care): The honourable member had me until about the last five seconds there.

I wish to acknowledge the concern, which I think is a legitimate concern, about the impacts of climate change. There are not only economic impacts, there are indeed some very concerning health impacts when climate change does occur.

The honourable member has mentioned dengue fever, malaria and other types of diseases and afflictions which we are not used to in the northern climes but which could become a reality with climate change.

That is why I am proud to be part of the Ernie Eves government, which of course does want to combat climate change, does in fact have a plan to combat climate change, and looks to the leadership of the federal government as well to be part of the solution.

Mr Bradley: I recognize that it's the Minister of Health who has to accept the consequences of what happens with global warming and climate change. You've already had a difficult time, a very challenging time, dealing with West Nile disease and what to do about that and some of the ramifications of it.

I'm very concerned when I hear the Ontario Medical Association, the Canadian Medical Association, the Society of Medical Officers of Health of Alberta, and Dr David Swann, who was fired by the environment minister of Alberta's campaign manager or riding president as a person who is in charge of health.

So I ask the Minister of Health, I know you're being agitated by or advised by the Minister of the Environment, but are you not concerned when you see Ralph Klein and Ernie Eves standing side by side, essentially saying the same thing about some very, very important consequences for Canada if we do not proceed with the ratification of the Kyoto accord? I ask you as Minister of Health, and respect you for that.

Hon Mr Clement: To the Minister of the Environment.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I think it was an interesting question, but it still is a question that needs some vetting.

I say to the member opposite with respect to the Kyoto accord, do you have any idea what our megaton reduction targets are? Do you have any idea what the credits are that the federal government is applying to the megaton reduction targets? Do you have any idea of the job losses that could potentially take place? Do you have any guarantees—

Mr Gerry Phillips (Scarborough-Agincourt): Do you have any idea how many people are going to die, Chris?

Hon Mr Stockwell: I say to the member for Scarborough-Agincourt, do you have any guarantees that

there will actually be greenhouse gas emission reductions under the Kyoto accord?

Well, of course you don't, because nobody is giving those guarantees. You have no idea (a) if there are cost implications, (b) what our megaton reduction is, and (c) most importantly, if you're truly an environmentalist, you haven't got a guarantee that one single reduction under the Kyoto Protocol will take place in greenhouse gas emissions. Yet all you want to do is sign and buy this pig in a poke at this time.

Mr Bradley: I want to go back to the Minister of Health, who, as I say, has to live with the consequences of the government policy of inaction on the part of the government, of denial on the part of the government, of siding with those who are interested in protecting the interests of the oil industry and the oil patch. Unfortunately, you're the one who has to accept the consequences as Minister of Health, and I know you have some strong views on this particular issue.

Could the minister tell us what advice he is giving his colleagues in the cabinet as the health minister of the province of Ontario, after receiving a report like this and other reports, about what specific action should be taken to reduce the probability of global warming and to contribute to the solving of the problem of climate change when we get into areas such as the funding of transit, which seems to have been abandoned, the shutting down of Ontario coal-fired plants, which is postponed well into the future, the funding of ethanol in gasoline, and the implementation of the provisions of the alternative fuels report?

I'd be very interested in what the Minister of Health, who himself is an environmentalist, has to say about this.

Hon Mr Stockwell: This government has made major changes to the legislation in this province that are of benefit to the environment.

Drive Clean is a perfect example. Since the implementation of Drive Clean and the processing of Drive Clean, we've got the equivalent of 23,000 cars off the road today from when it was introduced.

This is the government that has committed to shut the Lakeview coal-fired plant by 2005.

It is curious. You get a question from an ex-Minister of the Environment who never shut a coal plant in his life. You get the question from a Minister of the Environment who wouldn't implement the Drive Clean program. You get a question from a Minister of the Environment who somehow, after he leaves office, becomes an environmentalist.

The point we need to look at here is that we have to have a clear, definitive plan in the Kyoto Protocol to determine job losses, megaton reduction targets and credits. If the opposition is suggesting they would sign this without those answers, they are being foolhardy and irresponsible to the people who live and pay taxes in the province of Ontario.

The Speaker (Hon Gary Carr): New question.

1400

Ms Marilyn Churley (Toronto-Danforth): Exactly who thought up Drive Clean? It was the NDP.

A question to the Minister of the Environment: The people of Ontario finally have an answer to the question your Premier wouldn't answer directly in the House yesterday. As we thought, he has confirmed that he is Ralph Klein's poodle and a puppet of the big polluters. Mr Klein's so-called solution is no solution at all. It's a plan that will actually increase greenhouse gas emissions.

You keep talking about impacts on jobs and the economy. Let me turn the tables on you. Have you estimated the cost to the agricultural sector to provide a network of irrigation infrastructure through southwestern Ontario? Have you estimated the cost to Ontarians when the availability of fresh water declines sharply in this greenhouse world? Have you estimated the cost to taxpayers to fund massive new flood control measures? Have you done those studies for more ice storms? Tell us, have you done those estimates? How much is it going to cost Ontarians if you don't sign the Kyoto accord?

Hon Mr Stockwell: This is rather interesting, because that's what we've been saying for the past 12 months. No, the federal government haven't done the studies. No, they haven't given us the targets. No, they haven't given us the economic impacts. No, they haven't done one single thing you've asked for, yet you're prepared to sign on and not have any of that information. It's flat-out foolhardy. If you're going to ask for information from us, then you have to demand the information from the people who signed the protocol, the federal government. What you asked for today is exactly what we've been asking for for the last year, but the Liberals won't give it to us.

I'm with you. Go to Ottawa. Get that information. We should have it. We need it.

Ms Churley: It is this minister's responsibility, as Minister of the Environment in this province, and this government's responsibility, to do their homework and have those estimates. You've known for years that this was coming. You've done nothing but avoid it.

I want to bring up this Pollution Probe and Environment Canada-Health Canada report that came out. Now, in addition to killer smog and West Nile virus, it's only a matter of time before Ontarians will face malaria and dengue fever, not to mention heat waves killing an additional 400 elderly people a year. I can see your slogan now: "West Nile and malaria, brought to you by the Ontario Conservatives."

I'm going to ask you now, and it's your responsibility: have you estimated the costs to the Ontario health care system to prevent and treat an onslaught of these deadly diseases in a greenhouse Canada?

Hon Mr Stockwell: The fact of the matter is this: under the Kyoto Protocol, the federal government signed on to reduce greenhouse gas emissions. We're in favour of reducing greenhouse gas emissions. All we would like to know from the federal government is how many megatons of reduction they expect Ontario to provide over the next 10 or so years. That's all we're asking: "Could you tell us what the credits and the megaton reduction are so that we can start working on the formulas to determine the costs of the program?"

To be fair, why would anyone sign an agreement when they have no idea what the terms and conditions of that agreement are? Why would anyone do that? Have you got one example in this country of a province that has signed on to the Kyoto Protocol? The answer is no. Simply put, nobody's prepared to sign something that they don't know the terms and conditions of, except two people. Two people are prepared to do that out of all the leaders in this country: Dalton and Howie—and I'm scared when I see those two together.

Ms Churley: What the hell is going on in your government over there when you've seen this coming and you've done nothing? Suddenly he's turning to the federal—

The Speaker: The member—I didn't hear the word, but withdraw that.

Ms Churley: OK, I'll withdraw that.

What are they doing over there? They should have these estimates and a plan worked out.

The minister asked why they should sign on. Let me tell him. He talks about unacceptable job losses in Ontario due to meeting these targets. Well, I want to ask the minister, what about loss of life? That's what we're talking about here. Let me remind you again that the OMA estimates 1,900 Ontarians die prematurely every year because of air pollution.

You point to your efforts to reduce smog. It was the NDP that brought in Drive Clean at first. Leaving that aside—I just had to get it on the record—everybody sees that smog is getting worse and that you haven't done much to stop more people from dying. Now we have a health report that shows even more people are going to die as a result of global warming.

The people of Ontario want answers from you. They don't want any more of this garbage. They want results. They want action. They want Kyoto. Eighty per cent of Ontarians say they want Kyoto. Will you do the right thing today and stand up and say you will sign it?

Hon Mr Stockwell: You didn't implement Drive Clean. Get a grip. You studied it and shelved it. Don't try and take credit for something you didn't do. You didn't let green power on the grid; we did. You had five years. You did nothing for the quality of air in this province for five years. Nothing. You talked. That's all you did. We put strict emission caps on. We're requiring Lakeview to close.

The sad reality is that you don't even understand the Kyoto Protocol. Do you know why? Do you know what you can do in the Kyoto Protocol if you don't meet your targets? You buy credits. You ship Ontario money, which we could use to develop strategies for clean air, out of the province and send it to Russia, China and India, the worst polluters in the world, and not one ounce of greenhouse gases is reduced. Do you think that's a good idea? I don't think shipping Ontario money to India, China and Russia, so they can continue to pollute worse than anybody, and lose jobs, money and prosperity is good public policy.

The only reason you think it's good public policy—you've got nine members, and you'll end up with three if you keep that up.

NURSING HOMES

Ms Shelley Martel (Nickel Belt): I have a question to the Associate Minister of Health. Last week I told you that three nursing homes in Durham were using dollars to buy diapers instead of hiring new nurses and personal care workers. You replied, and I'm quoting, "There's nothing else that money can be spent on; it must be spent on hiring additional nurses...." Well, we've confirmed that Rainy Crest in Fort Frances has used its staffing dollars, every cent, to deal with its budget shortfall, and they did that with the knowledge and full consent of your ministry.

Minister, when you hiked rates for seniors in nursing homes, you promised them more nursing and more personal care. Where are the nurses, and where is the additional care?

Hon Dan Newman (Associate Minister of Health and Long-Term Care): This government is indeed committed to ensuring that our residents in each and every one of the long-term-care facilities in this province get the highest quality of care possible. That's why on July 31 of this year we made an announcement to start flowing an unprecedented \$100-million investment into the nursing and personal care envelope in the long-term-care sector.

The following things are included in the nursing and personal care funding envelope: salaries and benefits of registered nurses, salaries and benefits of registered practical nurses and of health care aides as well as those involved in direct nursing care, and in addition the cost of medical and nursing supplies and equipment, education, training—and that includes training for nurses and personal care staff. All these things are necessary to make our nurses and personal care workers able to do the job they were given to do.

Ms Martel: Minister, you don't know what you're talking about. I just told you that Rainy Crest used every single cent—every cent—of those additional dollars to deal with a budget shortfall.

Geraldine Savian of Dryden wrote to us about Rainy Crest. She says that your letter of July 31, which promises four new aides and nurses for every 100-bed facility, such as Rainy Crest, is not happening. Last week at Rainy Crest, one nurse was cut from her mother's area. When she called the Ministry of Health to ask about your letter and your promise to hire more nurses, she was told, and I quote, "that the letter," your letter, "may have misled some. It did not mean that Rainy Crest had to use the money for nursing or personal care. They could use it for deficit spending or where else they feel fit."

1410

Minister, Geraldine's mum is paying \$92 a month more for less care because you're letting staff dollars be used for diapers and deficits instead of more direct care.

When are you going to guarantee that all new staff dollars are used for nurses' aides and better care?

Hon Mr Newman: On July 31 we made a record announcement of \$100 million of additional money in the nursing and personal care envelope in the long-term-care sector. That money is to be spent only on nursing and personal care items that are included within the nursing and personal care envelope. What that could mean for some facilities—an average 100-bed facility—is 3.9 full-time equivalent staff being hired.

But I tell you, this government will not take a lecture on long-term care from the NDP. When that party was in office they did not add one single bed to our long-term-care sector. In fact, between 1988 and 1998 in this province, not one single new bed was added to the long-term-care sector. Since this party was elected, we've embarked upon building 20,000 new long-term-care beds, as well as redeveloping 16,000 beds in our older facilities. That's a commitment to the people of Ontario, not what the NDP did.

CLEAN AIR PLAN

Mr Steve Peters (Elgin-Middlesex-London): My question is for the Minister of Agriculture. Today you and your government used your majority to defeat a Liberal resolution calling for cleaner fuels in Ontario: ethanol and biodiesel. You had a clear choice between standing up for the farmers, who you are supposed to represent, or mimicking your Kyoto cabinet colleagues. You failed the farmers of this province. You know that plan will create jobs for Ontario corn producers and soybean growers. You know that both their associations have endorsed our plan, because not only is it good for the environment, it's good for our economy and it's good for our health.

How dare you oppose more jobs and expanded markets for Ontario farmers? How could you stand in your place today and vote against that resolution?

Hon Helen Johns (Minister of Agriculture and Food): I have to say they have quite some nerve raising this issue in this province. As the speaker opposite knows, we have promoted ethanol in this province. We have done what we can by helping to subsidize an ethanol plant in Chatham-Kent and by putting dollars in a trust fund in the east so that an ethanol plant can be built there. We care about agriculture in the province.

Your plan is flawed; you know it's flawed. We're going to continue to help the farmers in Ontario by continuing to support ethanol, by continuing to work to ensure that the corn and soybeans produced in this province are used for ethanol and biodiesel. It's the Conservatives who are doing the right things when it comes to helping agriculture and helping ethanol and biodiesel.

Mr Peters: I guess the minister is saying right now that the Ontario corn producers are wrong and the Ontario soybean producers are wrong, because they endorsed our proposal. You can explain that one to the corn producers and soybean growers.

Minister, Ontario's farmers watched you and your government vote against creating jobs this morning. They know exactly where you stand on jobs for our grains and oilseed producers: you're against them. You're against cleaner-burning fuel. You're against a made-in-Ontario solution for our farmers and for our environment. You're against creating new competitive markets for our farmers. You're against creating a new industry that we could open up and export to the entire world.

You owe Ontario corn and soybean producers an apology for turning your back on them. I don't even know how you can continue to stand up as a Minister of Agriculture in this province. You owe Ontario families an apology for refusing to protect the air they breathe. Minister, why are you against more jobs and expanded markets for Ontario's farmers?

Hon Mrs Johns: Let me tell you what the irony is in the province of Ontario. We just heard the Liberals say, "Sign the Kyoto Protocol." The firm that uses the most ethanol in Ontario is Suncor and they've asked this government not to sign the Kyoto Protocol. They've asked you not to support it. You don't give a darn about farmers in the province of Ontario. Shame on you.

VISITOR

The Speaker (Hon Gary Carr): Could we stop the clock for a quick second. While we have a bit of a break, we have in the Speaker's gallery Mr Bill Saunderson, who was the member for Eglinton for the 36th Parliament.

FOSTER FAMILIES

Mr Bert Johnson (Perth-Middlesex): My question is for the Minister of Community, Family and Children's Services. I'm speaking, of course, of the hard-working, tireless, effective, Honourable Brenda Elliott. This week is National Foster Family Week, a week where we should be thanking those families who open their homes and their hearts to children in need of shelter and love.

I have recently been reading reports that have said that there is a severe shortage of foster parents across the province.

Interjections.

Mr Johnson: This may be awfully funny to some of those across the way, but it's certainly not funny for anybody on this side of the House. In particular, the shortage is so bad in the Windsor area that children are actually living in motels.

I find this quite disturbing. I believe that our children should not be relegated to motels, but should be living in homes with families. What are we doing to address this shortage of foster families?

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I thank my colleague for Perth-Middlesex. He usually asks the question about agriculture, his passion, but today I am pleased he is concerned about Ontario's children.

When children are in a very vulnerable state, having been taken from their families to provide care, it's very important to us that they are placed in a caring environment, preferably that of a family. There is a shortage of foster homes across Ontario, and it has been very concerning to us that, from time to time, motels have been used to house some of the older children.

We are very pleased that the Caring Society, particularly in the Windsor area, has done what they can to take care of those children while they wait for a foster family. I also want to share with my colleagues in the Legislature that as a result of this information being made public in Windsor, there has been a great response in the community. People have been opening up their hearts and homes, and I want to say, on behalf of all my colleagues here, thank you to those individuals.

Being a foster family has great challenges; it also has tremendous joy. This is a very important task that families take upon themselves across this province. I'd like to take this opportunity, in National Foster Week, to say thank you to all those families who provide these loving spaces when children really need—

The Speaker (Hon Gary Carr): The minister's time is up. Supplementary?

Mr Johnson: Minister, thanks ever so much for that. I agree we need to thank those families for their assistance, and it seems to me that Foster Family Week is the perfect time to do this. So I'll take this opportunity to thank the foster families in my riding of Perth-Middlesex.

I also think it's a good time to tell people what this government is doing to support foster care in Ontario. It's a good time to give people, particularly in Perth-Middlesex, the good news of what we'll want to do. Would you share some of that information, not only with me and for members in my constituency of Perth-Middlesex, but with the other members of the House as well?

Hon Mrs Elliott: I would like to say to members of this Legislature that they can tell their constituents, and to anyone listening, if they're interested in becoming a foster family, the best way to go about that is to contact their local children's aid society for information.

As a government, we have undertaken a number of initiatives. We have increased the funding to children's aid societies by 139% over the last three years. We've partnered with the Children's Aid Foundation of Toronto to launch a provincial strategy for foster care recruitment. This foundation will match government funding of \$100,000 a year over the next three years to recruit new foster families and to provide public education about foster care. Six hundred thousand dollars will be spent on the initiative of encouraging more foster homes to be available. As well, for those who have decided to become foster parents, we have established a standardized training program. We've also increased the rate of care from \$14 to \$25.71 a day.

Again, to all those who choose to become foster families, may I say thank you for all the children who have received homes.

SMALL BUSINESS ENTERPRISE CENTRES

PICKERING NUCLEAR GENERATING STATION

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Energy. As all members will know, hydro issues and electricity prices are becoming a very serious concern to just about every homeowner and business person in the province. There are few items that I can think of that will have a more significant impact on electricity prices for Ontario consumers over the next few years than the very important and controversial refurbishment of the four units of Pickering A nuclear generating station.

Minister, can you tell the Legislature and the electricity consumers of Ontario today: to the best of your knowledge, when do you expect and when can we expect those four units at Pickering A to be back on-line and available to electricity consumers in Ontario? What is your latest information as to the all-dollars-in cost of that Pickering A refurbishment?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The first unit, which is unit four of Pickering A, we expect to be on-line next year. The expected cost will be 3.7 cents a kilowatt.

Mr Conway: That was my information until recently, but very recently I have been told by very reliable sources that we can expect only one of the four units at Pickering A to be available in the calendar year 2003. The remaining three units at Pickering A—and remember, these units are 515 megawatts per unit—are not likely to be available to the electricity system in Ontario until at least 2004 and perhaps, in some cases, as late as 2005. If that is true, and it comes from a very reliable source, it will have dramatic and negative implications for all electricity consumers in Ontario.

Minister, will you make this commitment today on behalf of your government? Will you cause, at the earliest opportunity, hearings to be held either here at the Legislature or at the Ontario Energy Board so we can find out precisely what's going on at Pickering A, when precisely these reactors are going to be back on-line and at what cost? What I am hearing is deeply troubling and is going to send these already high electricity bills into the stratosphere, with enormous political pain for every single one of us in this room.

Hon Mr Baird: I share the concern that the member opposite expresses with respect to the return of the four units at Pickering A. To underline the importance I place on this issue, on my very first full day on the job I took the opportunity to visit Pickering A to see first hand some of the issues they're dealing with.

This is the largest project of its kind in North America. In many respects it's like performing brain surgery in a spacesuit. It's important work but not particularly efficient. Ontario Power Generation reports regularly to the Independent Market Operator as to the availability of electricity supplies, as they properly should.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I wish to ask a question to the Associate Minister of Enterprise, Opportunity and Innovation. This government has demonstrated a strong commitment to small business and entrepreneurship. One of the cornerstones of this commitment is the funding of the province's small business enterprise centres. Could you take a moment to tell the members of the House and the people of Ontario some of the important functions and features of these centres?

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): I thank the member for Bramalea-Gore-Malton-Springdale for this important question. We know that 92% of the businesses in this province have between one and 49 employees and therefore qualify as small businesses. Our government knows that they're absolutely vital to the economic growth of our economy. Ontario's small business enterprise centres are there to help small businesses. We have 41 locations which provide information, one-on-one counselling, workshops, seminars, on-line training and access to the latest technology for research and planning.

Last year we spent \$3 million on these centres. Our plan in 2002-03 is to add two further centres. We'll have between 15 and 20 Bridges to Better Business events and we will continue the young entrepreneurs strategy.

Mr Gill: Thank you, Minister. You talked about the young entrepreneurs strategy. I feel that this program is of great benefit to the young people of our province. I know that the strategy includes a number of individual programs aimed at mentoring and providing financial support to enterprising young people. Could you detail some of the components of this new initiative for the members of the House and the people of Ontario?

Hon Mr Turnbull: As you've said, it does instill entrepreneurial spirit. Some of the highlights of encouraging entrepreneurship are My Company, which provides business training for young people and low-interest loans of up to \$15,000, and another program called the Summer Company, which provides mentoring and hands-on training with awards of up to \$3,000.

We're continuing to implement our young entrepreneurs strategy and through this, ensuring that our future young entrepreneurs have the training they need to face the market in the future.

AGRICULTURAL LABOUR POLICY

Mr Peter Kormos (Niagara Centre): I have a question to the Deputy Premier. Women and men who work in corporate agribusiness in this province are being denied some very basic and fundamental democratic rights by your government.

The Dunmore Supreme Court of Canada decision contained this observation among others: "It cannot be argued that Ontario agriculture has unique characteristics

which are incompatible with legislated collective bargaining." But your party and the Liberal Party are supporting legislation that will do exactly that. How can you and the Liberals justify denying these workers their charter rights, fundamental democratic collective bargaining rights, and how can you justify defying the Supreme Court of Canada?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'm going to refer that to the Minister of Agriculture.

Hon Helen Johns (Minister of Agriculture and Food): Let me say very clearly that we have worked very hard, we have consulted with the public, we have talked to both the union and the employer representatives, we have talked with lawyers across the province to ensure that we comply with the requests of the Supreme Court. We have also tried very hard to make sure that we confirm in legislation the rights of the agricultural community to be able to assemble, to be able to make representations to their employees. We believe that we have complied with the requests of the Supreme Court decision and we continue to try and find a balance that ensures that we have farming in the province of Ontario and that we maintain and preserve the rights of the agricultural community.

Mr Kormos: I'm concerned about the rights of workers in corporate agribusiness to collectively bargain around issues like workplace safety and their own health and safety.

Highline Mushrooms down toward Windsor way has over 200 employees in that factory. They shipped 30 million pounds of mushrooms last year. There's a fleet of 12 refrigerated trucks. But you, Minister, say that these workers aren't entitled to form a union and to collectively bargain. I put to you that the women and men at Highline Mushrooms and other agribusinesses like that have to have the right to protect themselves. What makes the Highline Mushroom plant and its employees any different from a grocery store or a food processor?

Hon Mrs Johns: Let me say a couple of things about that.

First off, this legislation allows people to come together and assemble where there is more than one agricultural worker. They can assemble and that assembly can be in the form of a union representing them. We are just very clear that the legislation does not allow for collective bargaining. So we have allowed the opportunity, if the agricultural community decides that it wants to be represented by a union. That is completely within the bounds of the legislation.

The second thing I have to say is that we have been very careful to ensure that the employees in the agricultural community are protected. For the first time in the history of the province the Conservatives are suggesting that we allow these members the right to come together, to associate, to make representations to their employees, to look for ways that they may be able to work on issues that are of common concern.

We believe we've enshrined in this legislation those rights and we think they're important rights.

1430

TRANSIT SERVICES

Mr Mike Colle (Eglinton-Lawrence): My question is for the Minister of Transportation. Mr Minister, over the last seven years your government has starved public transit and you have made Ontario the only place in the world where the operation of public transit is funded solely by property tax and the fare box. Unlike your government, the Ontario Liberals and Dalton McGuinty have a clean air plan, which sets aside two cents a litre of the existing gas tax for funding public transit. In every other jurisdiction, they invest in public transit because they understand that more transit means cleaner air, less gridlock and less smog. So far, Mr Minister, all we've heard from you and Premier Eves is that you've got some cockamamie scheme to privatize public transit. It doesn't work anywhere else in the world, but you're going to try that. So I ask you, what are you going to do to make sure our fares don't increase in Toronto and that you clean up our air and get rid of smog and congestion? Minister of gridlock, what are you going to do?

Hon Norman W. Sterling (Minister of Transportation): Since 1995, we've put \$1.2 billion into public transit in this province—that's no money? In terms of two cents per litre of gasoline, that equates to about \$300 million per year. Actually, we are doing more than two cents per litre in terms of public transit in this province. Last Thursday, I delivered a cheque to Mel Lastman for \$62 million for transit renewal. We are going to give them another \$14 million under the GTIP program as soon as they give us the details of their particular application. Finally, the feds have come to the table and they are going to match us—first time ever. We're at the table, let's get the feds at the table and let's ask the TTC to do an efficient job.

Mr Colle: You know, it is quite obvious that the minister refuses to recognize that the TTC gets more out of the fare box to run its operation, 81%, than any other jurisdiction in the world, so I think it's not doing a bad job. It could be better, but it's not doing a bad job.

The second thing is, how come Ontario, of all the provinces, of all the states, is the only one that doesn't fund the day-to-day operation of transit? Where you are saying you've got to fund transit on the backs of property taxpayers and the fare box alone, how are you ever going to get rid of smog, congestion, pollution and make our cities work? Look at what's happening in Brampton. Look at what's happening in Etobicoke. You can't move because all you are doing is feeding gridlock by your inaction.

Mr Minister, tell us how you are going to clean the air, get rid of gridlock and feed public transit and stop starving it. How are you going to do it?

Hon Mr Sterling: How are we going to do it? We are doing it. The member should also be aware that the TTC doesn't get the most out of the fare box—

Mr Colle: Who else does?

Hon Mr Sterling: Ottawa. Ottawa gets 85 cents of every dollar out of their transit system. Now he changes his story; that they don't have a subway there. No, they have a very efficient transportation system in terms of buses. The council of the TTC, in terms of the Sheppard subway line, decided not to implement a lot levy for the commercial and industrial businesses that benefited along that line. They made that decision in 1999. Now they are short of money. So what do they do? They come crawling to the province. They think that every time they make a decision which I would call irresponsible they can come to us and ask for the dough. Well, I'm sorry, that's not on.

HEALTH CARE

Mr Joseph Spina (Brampton Centre): My question is for the Minister of Health. We are all aware that Halloween falls on October 31. Unfortunately, Halloween came early to Brampton this year in the form of this past Saturday when we had just a little under 1,000 protestors, most of whom don't even live in Brampton, who descended on our fair city and ruined a glorious autumn day by offering Bramptonians tricks instead of treats. This group, led by Sid Ryan, CUPE, the CAW and the guys in the Ontario Health Coalition, an umbrella group of the militant Council of Canadians, attempted to trick my constituents into believing that the new campus of the Osler hospital, to be built by 2005, is a bad idea since this government is using a public-private partnership to build this facility. The protestors tied up traffic for hours—thank you, Mr Colle, for the gridlock question—dismayed Bramptonians, and are not providing constructive ideas or initiatives. Minister, please explain not only to my constituents but to all Ontarians what the truth is behind a public-private sector partnership.

Hon Tony Clement (Minister of Health and Long-Term Care): I thank the honourable member for the question. As a fellow Bramptonian, I was also aware of the demonstration on Saturday. For me, it was more like a bad April Fool's Day joke rather than just a Halloween parade. But it will afford us the opportunity to set the record straight.

Quite simply, a P3 approach means a new hospital sooner for the people of Brampton. This process allows the public sector and hospitals to do what they do best: provide quality care to patients. The other side of the partnership lets the private sector do what it does best: construct and maintain buildings quickly and efficiently.

Let me be perfectly clear: all services at the new William Osler hospital will be covered by OHIP. It will be just like visiting your family physician or a walk-in clinic. The buildings may be operated privately, but the services you receive are publicly funded. That's our commitment to the people of Ontario and the people of Brampton.

Mr Spina: There are always rumours floating around Queen's Park about the unbelievable commitments being made by the Leader of the Opposition, particularly, and

other opposition members. Unfortunately, these promises make no mention of how their funding for all these fantastic projects that they are promising will be realized. So far the opposition has offered Ontarians no insight as to their plans on health care innovation.

Minister, we've had some significant accomplishments since 1995. How will they move us forward into the future, and what is your vision, and our vision, for health care in this province?

Hon Mr Clement: The honourable member is quite correct. From the opposition benches, we have heard absolutely nothing in terms of innovation, in terms of meeting the demands for accessibility and sustainability of our health care into the future; no new ideas coming from the Liberal benches.

On this side of the House, we are focused on accessibility and sustainability in our health care system. In fact, the Ontario government has been leading the way when it comes to innovation of our health care systems. We are leading the way when it comes to moving away from fee-for-service to a new form of primary care reform through our family health networks. We've been leading the way in terms of our Telehealth service, a million calls a year so far in terms of accessing the nurse-advice line.

We are leading the way when it comes to alternative funding arrangements to retain our physicians, our specialists in our teaching hospitals in particular. We are leading the way when it comes to nursing and physician recruitment. And we're leading the way when it comes to making sure we have preventive medicine through our food program.

We're leading the way, but we need the federal government as our partner. So far they have not come up to the plate.

KYOTO PROTOCOL

Mr Monte Kwinter (York Centre): My question is to the Minister of Enterprise, Opportunity and Innovation. As a former Minister of Industry, Trade and Technology, I'm proud to be in support of the Kyoto accord. I support Kyoto not just because it will make Ontario a better place to live but because I know it will bring better jobs to Ontario. By getting out in front in Kyoto, we can foster innovation, develop new technologies and then sell them to the world.

Many in the business world support Kyoto. Last week, David Crane, a respected voice in the business community wrote, "If Eves thought seriously about Ontario's economic future, he would recognize that addressing the challenge of climate change, through the development and adoption of new technologies and improved energy efficiency, would actually make Ontario better off."

He concludes by saying, "If Eves continues to resist Kyoto ... then Ontario will lose out on what could be a great opportunity for a stronger economy and a cleaner environment."

Minister, don't you agree that from a business perspective it's always better to lead than it is to follow and play catch-up?

Hon Jim Flaherty (Minister of Enterprise, Opportunity and Innovation): Absolutely. It's absolutely imperative that we lead, and we are leading in Ontario. We're leading the Canadian economy. We have turned around the Ontario economy in the course of the past seven years, creating almost a million new jobs, about half of those created by small business in the province of Ontario, businesses that employ less than 50 people. Our automotive sector is extremely strong, with new plants opening. The CAMI plant is going to produce the Chevy Equinox, a 50% partnership between Suzuki and General Motors. So we're doing well in those areas.

1440

What's key, as I'm sure the member opposite knows, being knowledgeable in trade and investment, is that we not put our business people in Ontario and our business people in Canada at a competitive disadvantage to our competitors elsewhere in the world. He knows that. I know that. We have to be protective of our entrepreneurs in Ontario so they can compete on a level playing field with others around the world.

Mr Kwinter: Today, Dalton McGuinty is visiting Interface Flooring in Belleville. They are the largest manufacturer of modular carpet in the world. They employ 7,000 people in 110 countries.

Interface are environmental leaders. They reduced their greenhouse gas emissions by 65%. Next year, they will use nothing but green power. These measures saved the company over \$12 million in costs, and at the same time, production grew by 250%.

The problem is that in Ernie Eves's Ontario, companies like this are the exception and not the rule. You believe that because leaders are getting out in front of the Kyoto requirements, the rest should not have to do so. Not only is that reckless environmental policy, it's bad economic policy.

Why are you playing to the lowest common denominator instead of encouraging the innovation and investment that will make us world leaders?

Hon Mr Flaherty: With the greatest respect to the member opposite, I don't share his negative view of business in Ontario. Our businesses in Ontario have been in the forefront of reducing emissions, of reducing greenhouse gases. Our obligation, it seems to me, is to work with the businesses of Ontario, to work with them to protect jobs in Ontario and grow those businesses, not to attack business, not to be negative about business and the people who work in those businesses, but to compliment them. Look, for example, at the automotive sector, at what Toyota has done, what General Motors is doing, what the Ford Motor Co is doing, what Honda is doing, what DaimlerChrysler is doing, all reducing emissions, all planning for the future so that we work together, build the industry, reduce the emissions and have a made-in-Ontario, made-in-Canada solution, not a negative attitude that hurts business, hurts jobs in Ontario.

ONTARIO MEDAL FOR GOOD CITIZENSHIP

Mr Bart Maves (Niagara Falls): My question is for the Minister of Citizenship. Minister, last week the Ontario Medals for Good Citizenship were presented to individuals who have made remarkable long-term contributions to improving the quality of life in Ontario and in their communities. In fact, Dr Stafford Dobbin, from my riding of Niagara Falls, received the good citizenship medal as a devoted physician and long-time crusader for preventive medicine.

Dr Dobbin has worked tirelessly in my community to promote heart health, to develop citizen training in CPR, to create an emergency department at GNGH and to give countless hours of volunteer service to the Lions Club.

I call on the minister to stand in his place and tell us how many more Ontarians received Ontario Medals for Good Citizenship last week.

Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors): I thank the member for the question. I also congratulate the member for Niagara Falls, who takes every opportunity possible to acknowledge outstanding citizens from his community.

My colleague is correct in pointing out that Ontario has benefited from many individuals who have selflessly dedicated time and talent to efforts in their communities.

Civic responsibility is a cornerstone to building strong and caring communities. We value all Ontarians who make their community a better place through acts of good citizenship.

Last Thursday, the Lieutenant Governor, the Honourable James Bartleman, and I had the honour to present 12 deserving individuals with the Medal for Good Citizenship.

It's a good time to recognize the people who have contributed to this province and to be positive about the good people of this great province.

Mr AL McDonald (Nipissing): I'd like to ask a question of citizenship as well. Like the hard-working member from Niagara Falls, each year across Ontario, volunteers give millions of hours to thousands of organizations. I know Premier Eves and this government are committed to recognizing and thanking these volunteers for making outstanding contributions to our communities and to our province.

In fact, at the North Bay Volunteer Service Awards this past Tuesday evening, 99 recipients from my riding of Nipissing were recognized for their continuous years of commitment and dedicated service our the community, and I want to personally thank them for that.

Minister, can you share with us the details of this award and how it recognizes local volunteers, our heroes, not just in my riding but across the province?

Hon Mr DeFaria: I thank the member for Nipissing. This member spoke highly of the 99 volunteers from his region, some of whom are his neighbours and his friends. He's a grassroots member who knows his people.

Thousands of volunteers give millions of hours to thousands of organizations. In fact, Ontario's volunteers contribute the equivalent of 205,000 full-time jobs, estimated at more than \$6 billion each year, in volunteer work.

This year more than 7,000 volunteers will receive the Trillium pin and a personalized certificate at one of the 28 ceremonies taking place across Ontario.

I have been to Sarnia, I have been to Mississauga, and during the recess, I'll be to Kenora, Thunder Bay, Sault Ste Marie and Timmins to personally recognize thousands of northern Ontarians that volunteer.

SENIOR CITIZENS

Mr David Christopherson (Hamilton West): My question is for the minister responsible for seniors. Angela Fiorentino is a poor senior citizen living in my riding. Her income is \$850 a month and her hydro bill is \$330. She is a desperate individual, Minister. In addition to her financial situation, she also has a heart condition, asthma and diabetes. As a result of your hydro deregulation policy, Angela Fiorentino must now choose between paying her hydro bill or buying food.

Minister, I want to know what you are going to do to help Angela Fiorentino. And don't, Minister, hand it off to the Minister of Energy. This is not an energy question. This is about the plight of seniors in my riding as a result of the policies of your government. You're responsible for seniors and I want you to stand up right now and tell my senior citizens what they're supposed to do in terms of making this horrific choice.

Hon Carl DeFaria (Minister of Citizenship, minister responsible for seniors): As minister responsible for seniors, I can assure you that I have met with seniors groups across this province and we have been working with seniors groups. The issue of cost of living affects all Ontarians and we will ensure that our seniors will be able to do well in this province.

We have introduced programs. For example, as programs that will assist seniors, we have introduced elder abuse programs; we have invested into drug benefit programs in Ontario. We have done the programs that our seniors require here, and the issue of hydro is an issue that affects all Ontarians, of course, and if my friend wishes to ask that question, he can ask that question of the Minister of Energy.

VISITOR

Mr Mike Colle (Eglinton-Lawrence): On a point of order, Mr Speaker: The renowned photographer, world-famous George Onuska, is here from the wonderful city of Oakville. I'd like to introduce Mr George Onuska in the visitors' gallery.

1450

PETITIONS

COMPETITIVE ELECTRICITY MARKET

Mr Tony Ruprecht (Davenport): This petition is to the Parliament of Ontario. It reads as follows:

"We, the undersigned residents of Toronto, demand that the government immediately stop the process of privatizing our electricity transmission system, the network of steel towers, transformers and wooden poles which transmit power from generating plants to our homes, and, further, postpone the electricity deregulation process until the Ontario public is given proof that privatization will not result in price increases, and place a moratorium on any further retailing of electricity until the Ontario Energy Board comes up with a standard contract to be used by all retailers; and

"That a standard contract spell out in clear terms that residential users are waiving their rights to future rebates in exchange for fixed rates over a specified period of time."

Since I am in agreement with this petition, I am very delighted to sign it as well.

HYDRO RATES

Mr Dominic Agostino (Hamilton East): "To the Legislative Assembly of Ontario:

"Whereas electricity bills have skyrocketed under the Harris-Eves government's flawed electricity plan; and

"Whereas some consumers have signed higher fixed-rate contracts with retailers, without adequate consumer protection; and

"Whereas the Harris-Eves government has failed to address electricity supply shortages in Ontario, forcing the purchase of American power at a premium prices, driving up prices still further; and

"Whereas the Harris-Eves government appointed a board of directors for Hydro One that has been paying themselves extravagant salaries, compensation packages and severances for senior executives; and

"Whereas Hydro One bought 90 municipal utilities, serving about 240,000 people across Ontario, at premium prices and with borrowed funds. These purchases with borrowed funds have increased Ontario's debt burden; and

"Whereas the Harris-Eves government has added additional fees and taxes to local electricity distribution companies. These charges have also been passed along to consumers;

"Therefore be it resolved that we, the undersigned, demand that the Harris-Eves government take immediate action to ensure that Ontarians have fair and reasonable prices for the necessary commodity of electricity in Ontario and that the Harris-Eves government and its leader Ernie Eves call a general election on the instability

of the energy market so that Ontarians may have a voice on this issue.”

I'm pleased to add my signature to the petition and give it to my friend Hin-Hey here for delivery to the table.

The Speaker (Hon Gary Carr): Stop the clock for a quick moment. The government House leader has the House business for next week.

BUSINESS OF THE HOUSE

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Pursuant to standing order 55, I have a statement of business of the House for next week.

Monday afternoon we will resume debate on Bill 179. On Monday evening we will continue debate on Bill 180.

Tuesday afternoon's business is still to be determined. Tuesday evening we'll continue debate on Bill 187.

Wednesday afternoon we will debate Bill 187 again. Wednesday evening's business is still to be determined.

Thursday morning we've got a power-packed private members' business. We will discuss ballot item number 65 standing in the name of Mr Kwinter and of course ballot item number 66 standing in the name of Mr Cordiano. Thursday afternoon we will continue debate on Bill 180. Thursday evening next week our business is still to be determined.

SERVICES DE SANTÉ POUR ENFANTS

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell): J'ai une pétition ici avec plus de 600 noms, ce qui porte à plus de 150 000 le nombre de noms de personnes qui sont d'accord avec le but de cette pétition.

« À l'Assemblée législative de l'Ontario :

« Attendu que le gouvernement de l'Ontario est en train de fermer le service de chirurgie cardiaque à l'intention des enfants fonctionnant actuellement à l'Hôpital pour les enfants de l'est de l'Ontario;

« Attendu que la fermeture de ce programme restreindrait l'accès des enfants de l'est de l'Ontario à cette chirurgie, qui sauve des vies;

« Attendu que l'HEEO traite chaque année 140 enfants gravement malades à proximité de leur foyer;

« Attendu que la centralisation des services de chirurgie cardiaque pour les enfants à Toronto obligerait les patients et leurs parents à s'éloigner de 400 à 600 kilomètres de leur foyer à un moment difficile;

« Attendu qu'il y a une liste d'attente pour les chirurgies cardiaques à Toronto mais pas à l'HEEO;

« Attendu qu'une partie du personnel de ce programme de l'HEEO parle français et que, de ce fait, la population francophone a accès à des conseils médicaux de qualité supérieure en français;

« Attendu que la population de l'est de l'Ontario exige des soins de santé de qualité et accessibles pour ses enfants,

« Nous, soussignés, demandons à l'Assemblée législative de l'Ontario d'annuler immédiatement la décision du gouvernement d'abolir ce programme, qui sauve des vies, et de veiller à ce que chaque enfant de l'est de l'Ontario continue d'avoir pleinement accès à des soins de santé de qualité supérieure. »

J'y ajoute ma signature.

LONG-TERM CARE

Mr Dominic Agostino (Hamilton East): Twice in one day, Speaker. My staff will be happy with me.

“To the Legislative Assembly of Ontario:

“Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

“Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

“Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

“Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

“Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

“Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

“Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

“Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

“Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels.”

I'm pleased to add my signature to that and give it to Lauren to bring to the table.

PROVINCE OF ONTARIO SAVINGS OFFICE

Mr David Christopherson (Hamilton West): I have a petition that reads as follows:

“Whereas the Province of Ontario Savings Office was created in 1922 by united farmers and labour as a unique banking facility that allowed Ontarians to invest in their province; and

"Whereas the Province of Ontario Savings Office enjoys a strong popularity among Ontario residents, with over 100,000 accounts and over \$2.8 billion on deposit; and

"Whereas the Province of Ontario Savings Office offers customers attractive interest rates, generous chequing privileges and personalized efficient service, and every dollar deposited is guaranteed by the province of Ontario; and

"Whereas POSO has 23 branches serving 17 communities across Ontario, including Hamilton, Windsor, Ottawa and small communities in northern Ontario not served by other banks or trust companies. Places like Pickle Lake, Armstrong, Killarney, Gogama and Virginiatown; and

"Whereas the Tory government announced in its latest budget that it will put the Province of Ontario Savings Office on the auction block, even though it is a consistent revenue generator, and even though this revenue could help Ontario's crumbling infrastructure after years of Tory neglect;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To save the people's bank, the Province of Ontario Savings Office, so that it can continue its historic role of providing excellent banking services to families in communities across Ontario; so that people in small towns will not be forced to go farther afield for banking services and forced to go to private, for-profit banks."

On behalf of constituents in my community who care about this issue, I add my name to the petition.

1500

LONG-TERM CARE

Mr Tony Ruprecht (Davenport): I'd like to add my name to that petition as well, to support the provincial savings office, but unfortunately I can't do that right now.

I have a petition addressed to the Parliament of Ontario. It reads as follows:

"Whereas the ... government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in other provinces; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We demand that the Premier reduce this 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

Since I agree with this petition, I'm putting my name to it, and I'm presenting it to Andrew.

Mr David Christopherson (Hamilton West): A petition to the Legislative Assembly of Ontario:

"Whereas the Conservative government increased fees paid by Ontario seniors and other vulnerable people living in long-term-care facilities by 15%, or \$213 a month, instead of providing adequate government funding for long-term care; and

"Whereas the Conservative government has therefore shifted the cost of long-term care on to the backs of the frail elderly and their families; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas in 1996 Ontario abandoned its minimum requirement of 2.25 hours of nursing care per nursing home resident; and

"Whereas the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own study, government cutbacks have resulted in Ontario seniors receiving just 14 minutes a day of care from a registered nurse—less than half the time given to residents in Saskatchewan; and

"Whereas the report also found that Ontario residents receive the least nursing, bathing and general care of nine other comparable locations;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Join the Ontario New Democratic Party in demanding the Conservative government eliminate the 15% fee increase for residents of long-term-care facilities, increase the number of nursing care hours for each resident to a minimum of three and a half hours per day, and provide stable, increased funding to ensure quality care is there for Ontario residents of long-term-care facilities."

On behalf of my constituents and my NDP colleagues, I add my name to this petition.

VISITOR

Mr Mario Sergio (York West): On a point of order, Mr Speaker: I want to introduce to the House—and I have much pleasure and honour in so doing—Deokie Shergool in the west gallery here. Deokie is the mother of our page Nazir from York West. I wish to congratulate them. I hope your stay here at Queen's Park will be an enjoyable one.

The Speaker (Hon Gary Carr): I thank the member and welcome our guest.

ORDERS OF THE DAY

AGRICULTURAL EMPLOYEES PROTECTION ACT, 2002

LOI DE 2002 SUR LA PROTECTION DES EMPLOYÉS AGRICOLES

Resuming the debate adjourned on October 22, 2002, on the motion for second reading of Bill 187, An Act to protect the rights of agricultural employees / Projet de loi 187, Loi visant à protéger les droits des employés agricoles.

The Speaker (Hon Gary Carr): I believe the member for Niagara Centre had the floor.

Mr Peter Kormos (Niagara Centre): Thank you kindly, Speaker. This is the balance of what we call the leadoff. We're still at the point now just barely commencing the second day of second reading.

This legislation is all about this government circumventing the ruling of the Supreme Court to Canada in the decision of Dunmore, and far more fundamentally, let's understand what this government did. This government repealed, as one of its first orders of business after it was elected in 1995, Bill 7. This government repealed the NDP framework that would permit employees, workers, working women and men, in corporate agribusiness to organize into trade unions and collectively bargain. The Liberal Party was outspoken, articulate and very precise about its support for the repeal of the right of agricultural workers to form trade unions and to collectively bargain. They've been equally precise now around Bill 187. They've been very clear that they in the Liberal Party will be supporting the government in its ongoing denial of the right of agricultural workers to join a trade union and collectively bargain.

Let's put this into context, because there has been much ado, and much has been said in the earlier leadoff speeches from the government and the official opposition, about the family farm. Let's understand which workplace organized after the New Democratic Party recognized the right of, yes, even agricultural workers to form unions and collectively bargain. It was an operation called Highline Mushrooms down in Leamington, Ontario, down out Windsor way.

I'll tell you a little bit about Highline Mushrooms, and this is from the Highline Mushrooms very own Web site. It's the largest independent grower of mushrooms in eastern Canada. Last year through the course of this year, it has an annual production of some 30 million pounds of mushrooms. It is the largest independent grower of mushrooms in eastern Canada and the most advanced technically: computer-controlled chambers for the preparation of compost; some 12 large refrigerated tractor-trailer trucks for the delivery of these mushrooms. And with some 200 employees, listen, this is not the family farm.

Thomas Dunmore: his name might be familiar because, of course, he's the Thomas Dunmore who was named in the litigation that went to the Supreme Court of Canada, which ultimately ruled on the Conservative repeal, supported by the Liberals, of the right of agricultural workers to organize and collectively bargain. Thomas Dunmore, who had been an electrician at Highline for some years, said, "I've seen guys with broken legs. It's heavy industry. It's not a nice job at all." Of course, the union certification bid was dashed with the repeal by Bill 7 of the NDP legislation according agricultural workers the right to unionize and collectively bargain. But Dunmore indicates that safety at the farm had begun to improve as the union took shape.

He also noted that there was a large number of workers at that factory farm for whom English wasn't a first language. There were a lot of workers for whom Vietnamese was their first language. Dunmore indicates that that inability to speak English or speak it well left them powerless.

Dunmore was very candid. He said that there's no need to unionize small, family-run farms, but large operations should have to adhere to the standards set for heavy industry. "They call it a farm, and it's absolutely not a farm," Dunmore says, speaking of Highline Mushrooms. "It's like a construction site. They call them tractors, but they're running excavators."

As I'm compelled to wrap up, I've got to make it perfectly clear: farming, agricultural work, is amongst the most dangerous in this province, in this country—the exposure to pesticides, amongst other things, the utilization of heavy machinery and other types of dangerous and heavy equipment—and it's also the lowest-paying of jobs in this province, in this country.

It is fundamental to a democratic society that workers have the right to unionize and collectively bargain. There are folks out there who don't like unions; fair enough. This government doesn't like unions, I understand that. But now I see the Liberal opposition party aiding and abetting this government in its attack on working women and men, as this government denies working women and men in our agribusiness, tens of thousands of them in this province, the right to unionize and collectively bargain.

1510

Oh, please, let's not for a minute start talking about issues of strike, because the 1994 NDP legislation very carefully, after extreme, significant and thorough con-

sultation, including with the agri-industry, replaced the right to strike with compulsory arbitration, recognizing, yes, the disastrous impact that a strike could have on an agricultural production process.

It isn't about the right to strike; it's about the right for workers to collectively bargain their health and safety. It's about the right for workers to collectively bargain for some job security. It's about the right of workers, electricians like Thomas Dunmore at Highline Mushroom-rooms, to collectively bargain some modest increase in their wages when the profits are there to justify it. It's about treating all workers alike.

New Democrats don't believe in two classes of workers. We don't believe some workers are better than others. If you're a working woman or man in this province, you've got the right to unionize, you've got the right to collectively bargain, be it you work in an industry or be it that you work on an agri-farm.

The Acting Speaker (Mr Bert Johnson): Comments and questions?

Mr Toby Barrett (Haldimand-Norfolk-Brant): The member from Niagara Centre made mention of farming being one of the more dangerous occupations that one could have in the province of Ontario, and I agree with that. For that reason we have, for example, the Farm Safety Association in this province. I have a great deal of faith in, and have been involved with, the Farm Safety Association. I spent several years as president of our local Norfolk Farm Safety Association, and these organizations are supported by the Ontario government. Our province takes the issue of farm injuries and fatalities very seriously.

Earlier, in his presentation on Tuesday, the member for Niagara Centre spoke at great length about chicken catchers in debating the Agricultural Employees Protection Act, describing chicken catchers with scarred-up wrists and hands; red, running eyes; and open sores on their faces and around their noses and mouths. He made reference to chickens urinating in one's face and chickens scurrying and attempting to elude the chicken catcher. I do question some of this description. I am a former chicken catcher. I'm proud of that. I know a number of young people who work as chicken catchers. The member made reference to chickens urinating in one's face, and I would leave it up to a biologist to determine whether that's accurate or not.

With respect to the safety issue, he made some suggestions that chicken catchers should wear gloves, safety boots. We all believe in safety. I just question the utility of some of that.

The Acting Speaker: The member for Niagara Centre has two minutes to respond.

Mr Kormos: This happens oh, so often, where a Tory backbencher or even a Tory frontbencher will stand up and say, "Oh, the real world can't be like that because, heck, I've never seen it." I have no doubt that Mr Barrett has caught a chicken or two in his lifetime, but I tell you this: I know the chicken catchers who work in the Niagara region, I know the conditions under which they

work, I know the diseases that they're susceptible to, and I resent the suggestion that somehow these same hard-working usually young men, but women as well, would in any way exaggerate the injuries they've suffered as a result of chickens defecating and urinating on them while the chickens are being caught, as a result of the mites and the dander that are raised as the chickens are flapping and rushing to avoid being caught, as a result of the cuts and scratches that often become infected around the wrists and the hands in the course of catching and then crating those chickens. The falls and the injury levels in poorly lit barns, unventilated, as they're clouded by the dust and the feathers generated when tens of thousands of chickens are evading capture are legion among these workers.

These are workers who usually earn less than \$12,000 to \$15,000 a year who work incredibly hard doing it, who expose themselves to great health risks and physical risk in the course of doing those jobs.

I tell you this government wants to deny them, along with collaboration from the Liberal Party of Ontario, the right to organize and to use the right to collectively bargain, not so much around wages but, most importantly, around health and safety.

The Acting Speaker: Further debate?

Mr Ted Chudleigh (Halton): I'm pleased to take part in this debate. It's an interesting one. I think it represents a significant advance in facilitating employee and employer relationships in Ontario, particularly as we move into new ground in the agricultural community of Ontario. At issue of course is freedom of association as guaranteed in Ontario under the Charter of Rights and Freedoms. We also have to recognize the very unique characteristics of Ontario's agricultural industry and the very important contribution that industry makes to our quality of life here in Ontario.

It wasn't very many years ago, probably about 100 or 102 years ago, not very long in the history of mankind, that about 60% of the Canadian population lived and worked on farms. It may have been a little bit more than 60%, but back in about 1900 it took that many people to grow the food that fed the country.

We also exported food in those days. We exported food to Great Britain. Much of agriculture in Ontario was based on the exporting of that product to Great Britain. As we come up through the years, with the advancement of technology with machine harvesting and hydraulics on farms making possible larger and larger equipment in the fields, we saw higher productivity, with productivity gains that were probably unmatched by most other industries in the world. With those productivity gains, now in today's world, in today's agriculture in Ontario, we have about 1.5% of our population in Ontario—of course the population is much higher than it was in 1900—as opposed to 60%, 65% or 70% of the population in 1900, on the farm productively raising crops.

We raise astronomically higher percentages of crops from those fields we farm than we did in 1900. In 1900 a yield of wheat might have run in the 20 or 25 bushels per

acre category. Today it is not uncommon to have yields of wheat in excess of 100 bushels to the acre.

A field of tomatoes, back in the mid-1960s, may have run to 13 to 15 tonnes of tomatoes coming off that field and going into the processing plants of the Campbell Soups and the H.J. Heinz companies of Ontario and being turned into tomato soup or canned tomatoes or tomato ketchup. That 13 or 15 tonnes per acre would have been hand-harvested by farm labour. That yield, as recently as 1987, 1988, 1989, was 18 tonnes to the acre, a respectable yield. Today it is in excess of 35 tonnes per acre. It has about doubled over the last 12 years. That tremendous productivity leads to the lowering of the cost of food to the point where probably about 10% of an average household income goes to purchase food. That's one of the lowest percentages in the world, and one that I think the agriculture and food processing industries in Ontario can be very proud of achieving.

1520

A lot of that is due to the scientific research that has taken place in our industry and to the advancement in technology of mechanical harvesting techniques. And certainly the farmers in Ontario and their partners, the workers, are part and parcel of that excellence. I think we could match our Ontario farmers and their employees against farmers anywhere in the world for productivity, for skill in the trades, for using the most advanced techniques and for producing crops of a safe, high-quality nature that Ontarians can indeed be proud of.

This bill, I think, will allow the relationship between a farmer and his employees to be enhanced, whether those employees work on a part-time basis on a poultry farm or on a fruit and vegetable farm where it's a seasonal job or in a more full-time operation such as a mushroom farm. This bill would extend legislative protection to agricultural workers to ensure that their rights to form and join associations can be exercised in a very meaningful way.

Before we introduced this proposed legislation, we talked to the people it would most affect. We talked to members of the agricultural industry and to representatives of organized labour. We heard from Ontario's agricultural employers the value they put on the relationship they have with their employees. They think that relationship is a pretty good one, and I would agree with them. I think that relationship is excellent, and has to be because of the nature of the business they work in.

If you are a farmer, Mr Speaker, by and large in most field crop locations you're talking about harvesting a crop once a year. It isn't something that comes along next month and then the week or the month after. You're talking about harvesting one crop; you get one payday a year. It isn't a monthly payday; it isn't a weekly payday. You harvest that crop once a year.

If you're producing a peach crop, for instance, you probably start producing that crop in the fall of the preceding year. You nurture that crop and look after it and raise it, making sure it has as many nutrients as it needs; protecting it from pests and from those things that

could come along and destroy it; hoping you get away from the spring frosts, which are often so devastating to the peach industry; getting through the spring and early summer prior to harvest; hoping you get enough rain and irrigating when necessary.

Eventually you bring that crop to the point of harvest, and you're going to harvest that crop once a year. If your relationships with the people who are going to deliver that crop aren't good, you're indeed in a very difficult industry. You're in an industry you probably shouldn't be in. You're jeopardizing your very livelihood by not having a positive relationship with the most important people who stand between you and success in harvesting that crop.

I think that farmers in Ontario do have a good relationship with the agricultural workers they employ. They have that relationship based on necessity. A lot of crops we produce in Ontario have a very short window of opportunity for harvest; for instance, the corn crop in Ontario, not so much in September but certainly in August, when the bulk of the corn crop comes off, whether it's going to food processing plants—Green Giant plants, where they produce frozen and canned corn—or whether it goes to the fresh market, where we're familiar with going out and buying a cob of corn. That corn, when it sits in the field on a hot day in August could have an 18-hour window of harvestability in order to ensure peak quality. If you can imagine, just 18 hours is the perfect time to pick that crop and get it to market or take it to a processing plant to have it turned into frozen or canned product. That's a very short window.

If you don't have a good relationship with the people who are going to complete that task for you, you have placed yourself in a very vulnerable position. So your partnership with farm labour is extremely important in today's agricultural industry. I think that has to be recognized in the way farmers deal with farm labour and the way farm labour deals with their employers. I think there's a very positive relationship on both sides of that fence in order to get that job done, which is so critical to both parties.

I think that agriculture has done a wonderful job, a good job, in the past of maintaining that relationship and seeing that the workplace is as safe as humanly possible, making sure the needs of the workers are met, recognizing that it is physical labour and a tough job. Often the farmer and worker are out there doing the same job, working side by side, making sure the crop either gets properly protected or harvested, depending on what job is being done on the farm at that particular time.

We've heard that Ontario's agricultural production must not be vulnerable to the risk of potentially devastating labour disruptions. I guess that's what I've just explained, that that relationship has to be very, very carefully nurtured in order to ensure that the crop gets harvested and utilized to the best of our ability.

When we drafted this bill, we remembered what we heard in the consultations we had with the agriculture industry and also with organized labour. The proposed

legislation we have before us today respects individual and constitutional rights of agricultural employees, while having regard for the unique characteristics of agriculture. I think the key to this piece of legislation is to ensure that that unique need of agriculture and the unique needs of agricultural labour are looked after. This is not a traditional employee-employer relationship. The relationship in this case is a very close one.

The proposed legislation would enable agricultural employees to exercise their rights to form and join an employees' association, to participate in lawful activities of that association, to assemble when and where necessary and to make representations to an employer through that employees' association, and the proposed legislation would ensure that they could do this free from interference, coercion or discrimination.

I should emphasize that the proposed legislation contains no restrictions on the composition of an employees' association, other than that the association be comprised of agricultural employees. Employees' associations could be comprised of agricultural employees from any number of farms or operations, and they could be organized on any basis that the employees want. They could be a branch of another organization, including a branch or local of a union. A union or other organization could assist employees in forming an employees' association, whether the association was formed as a branch or local of the union or other organization or as a separate association.

So I think they have a broad prospectus of what they are able to do in order to meet their unique needs in what is a unique industry that has had a very proud history in this province. Basically, this province was built on the agricultural and forest industries, and it's a very proud tradition. I think this bill will mature the relationship between agricultural workers and agricultural operators to ensure that that proud history in Ontario is continued and enhanced in the future.

1530

Mr Gilles Bisson (Timmins-James Bay): Most fascinating comments by the member across. He failed to get into the gist of what this bill does, which is quite frankly not to deal with the mess that this government caused when they cancelled legislation that was put in place by the NDP government that gave farm workers the ability to organize under a collective agreement to negotiate things like wages, working conditions, health and safety rules—something that his government has cancelled.

As we all know, we're here today debating this bill because this government, on being elected in 1995, scrapped the NDP legislation that gave farm workers the right to organize. They have, since then, gone to court and the courts have said, "Hey, they're workers like anybody else and they have the right to organize under a collective agreement if that's what they choose to do." The court has ordered that legislation be drafted in Ontario in order to give those workers the rights that you, as a Conservative government, have taken away.

Now you're here putting a bill in place that says they can't unionize, they can't join an actual union but they're allowed to have an association. In other words, "It's OK; you guys can talk union but don't do anything seriously about doing it."

My problem with you is, what part about democracy don't you like? Democracy is about giving people rights and it's about saying, "If workers think it is just and right to join a union, that's their choice." What gives you the God-given right to decide that a group of workers in this province don't have the right to organize under a union? Sure, you hide under trying to protect the family farm, but this ain't about the family going to organize grandpa or dad, because we, as children on the farm—that's not what the issue is all about.

This is about the big agricorps. There are many agricorp businesses out there where workers decide that's maybe what they want to do. I say again, what gives you the God-given right to take away democratic rights from individuals to prevent them from organizing under a union? I just say to you, shame on you; you don't like democracy.

Mr Bart Maves (Niagara Falls): On a point of order, Mr Speaker: I'd like to welcome my cousin and her husband from Brookfield, Wisconsin, Patsy and Charlie Reitz, and their daughter, Krista.

The Acting Speaker: That is not a point of order, but we welcome you regardless.

Mr Barrett: I thought the presentation by the member for Halton was a very balanced presentation, quite appropriately so, and very carefully presented. The member for Halton knows a thing or two about food production, he knows a thing or two about food processing, and he knows a thing or two about the marketing and retailing of food in Ontario.

Mr Chudleigh: And chickens.

Mr Barrett: He knows a thing or two about chickens. We've certainly been discussing chickens this afternoon, and chicken catching, as we did last Tuesday.

The compelling proposal from the member from Halton is that this legislation is balanced; it recognizes that Ontario's farming and farmers and farm workers and agricultural production all contribute to a very key component of the quality of life that we all enjoy in this province. But he stresses that this business, and it is a biological business, must not be vulnerable to the risk of potentially devastating labour disruptions, planting and harvesting with respect to crops—very crucial times of year, as the member indicates; it only comes around once a year. You plant normally once a year. You harvest once a year. You have a very narrow window. You are dealing with weather. You're dealing with Mother Nature.

I appreciate the fact we had a balanced presentation that outlines the protection of the rights of employees while, at the same time, recognizing the very unique and age-old characteristics of this particular line of work.

Mr Kormos: You see, you've missed the point. This bill doesn't accord workers any rights; ergo, there are no rights to protect.

I hearken back to this government's Victims' Bill of Rights, I suppose. What the bill very specifically does is persist in denying workers—like the workers at Highline Mushrooms, some 200 of them in what is more aptly described as a factory than a farm—the right to collectively bargain around issues like health and safety. The NDP legislation you repealed had no room in it for work stoppages because the right to strike was exchanged for compulsory arbitration. This chimera of interference with either planting crops or harvesting crops is at the very least tiresome.

Look, the workers at Heinz processing down south-western Ontario way, who have to deal with tonnes and tonnes of highly perishable tomatoes, for instance, delivered and needing processing within hours, have the right to unionize, and indeed have, and to collectively bargain, and indeed they do. The workers at corporate agricultural operations like Highline Mushrooms don't, and the workers at Highline Mushrooms in Leamington, some 200 of them in what is more aptly a factory rather than a farm, surely deserve the same rights as the workers at Heinz processing.

Every worker in this province deserves the right to collectively bargain so as to protect themselves and their futures. Anything less is less than democracy.

The Acting Speaker: The member for Halton has two minutes to respond.

Mr Chudleigh: I appreciate the comments of the members opposite and the member from Haldimand-Norfolk-Brant, who again pointed out that a farmer and his partners on the farm, his labour, get one paycheque a year by and large and that makes it imperative that that relationship be very strong. If it could be strengthened with an association, that would be a very good thing.

Both the members opposite referred to the legislation they brought in. Like most of the legislation the NDP brought in from 1990 to 1995, it was excessive. They tend to be a philosophical party and they tend to go to excess. They always overdo it. They overdid their labour bills. The biggest job increase in Buffalo's history was during the five years you were in power because your labour laws were excessive. We had the largest job losses in Ontario's history from 1990 to 1995 because your labour laws were excessive.

We had the largest deficits in Ontario's history, doubling our provincial debt because your fiscal policies were excessive. We had the largest debt increase in Ontario's history because your financial understanding of what makes the world go round was certainly excessively negative. So taking direction from a party which has all but destroyed Ontario as a working entity, driving it to being the economic caboose of this country—I'm sorry; I just cannot take your comments all that seriously.

But I did appreciate the member for Haldimand-Norfolk-Brant and his very level comments.

1540

The Acting Speaker: Further debate?

Mr Mike Colle (Eglinton-Lawrence): It's certainly my pleasure to rise and speak to Bill 187, An Act to

protect the rights of agricultural employees. This is very important legislation in that it brings into this forum a very important part of the fabric of Ontario; that is, the men, women and children who make up our agricultural community, our farm community that I'm sure you, Mr Speaker, are encountering on a daily basis.

I guess those of us who live in the city—I think too many of us—sometimes take for granted and feel that automatically our food comes to the table, our milk comes to the table, that somehow, mysteriously, it just shows up at the grocery store, and we never stop to reflect enough on where it comes from. I think it would certainly do us a world of good if we paid more respect and attention to the agricultural community, which is working long hours and putting in all kinds of sweat equity, their life's savings into providing us with everything from our meat products, our fresh fruits and vegetables, and making them come to our table so easily. If you look at the prices of these products, if you compare the price of fresh produce or vegetables in Ontario to any jurisdiction, I think you'll see we get a pretty good deal. Sad to say, not enough of that money goes into the pocket of that family farm.

I remember the old reference to a box of Kellogg's Corn Flakes. If you look at the box of Kellogg's Corn Flakes, it's amazing. Look at the prices, \$2.49 for a box of Kellogg's Corn Flakes, and I think out of that box five cents might go back, if lucky, to that farmer who produced the corn for those corn flakes. So who got the other \$2.40-odd? There are so many middlemen and companies that have to basically package and deliver. I think, in fact, most of the money goes into advertising of Kellogg's Corn Flakes, trying to get you to eat Kellogg's Corn Flakes rather than Wheaties or all these other packaged cereals.

This bill that the government has put forward is something that the government is grappling with, and I think it's an attempt by them to ensure that the family farm, especially, is able to maintain a longevity and an operation that is not a threat to their livelihood and not disruptive to their traditional way of conducting their family business. That is why our party supports this bill. We feel that you have to try to do the best you can sometimes. We don't purport on this side to have the answer to all the problems. Not everything is stark black and white on these issues, but in this case here, one of the reasons I support this bill is because I do feel that we sometimes forget how fragile this part of Ontario is and how critical it is in terms of ensuring that we, as people who don't dwell in rural areas, have the fruit and nutrition we need, the food we need to feed our families and do our work here in the city.

As I said, it's sometimes most difficult for us in the cities to appreciate the value of these farms and what they produce and what they do. It is not often enough that we stop to reflect on their concerns. I think this bill is an opportunity for us to look at the dynamics, and there are different economic dynamics on a family farm or in an agricultural situation, as you would know, Mr Speaker,

than there are in running a business in the city that is producing sometimes something you can't even see. They're marketing companies or they're producing some kind of service. But this is a very hands-on business.

Sometimes the word "business" is even difficult, because a lot of these operations are really run because of the love of the land that many of these people have. It belonged to their fathers, their grandfathers, their great-grandfathers, great-grandmothers, and they want to pass that on. They think they owe something to them who cleared the fields, who put their lives, really, into this piece of land so it would be growing fruit or vegetables.

In fact, last night I talked to someone who has a farm with billy goats on it, selling goat milk. They become very attached because, again, it's more than just a job; it is basically part of the very fabric of their being. And that is why, as I said, it's not a perfect bill, because in some cases, as you know, and we've seen them in the province and throughout the world—I know my friend Jean-Marc Lalonde here from the Cumberland area will tell you about the problems they have with the massive factory farms and what they do. Those are a challenge. How do you control those operations, and how are they different from a family farm, and where is the line drawn? Those are complex issues that not only deal with labour issues, as this bill does, but also in terms of their impact on other property owners in the area and people who are downstream from a factory farm, and what the consequences of that are.

I would hope that in the future somehow we can address, as lawmakers, the challenge of men and women who are employed in these so-called industrial or factory farms. There may be 100, 200 people working there. There's always the case of the mushroom operation. So do they have enough protections if people work in that situation? Should they be treated differently than someone who works in a factory just across the border in a suburban area? They're certainly not attached to the land, and it's not a family-type operation.

You may be employing hundreds of people, so are there needs to protect the workers more in that kind of large-scale agricultural operation? Those are quite common, I know, and certainly the explosion of the greenhouse operations throughout Chatham-Kent—and the member from Windsor-Essex will tell you about it in the Leamington area. There are all kinds of different approaches to agriculture, and there are different impacts on workers. I think that's an area that certainly needs further examination, and it's something that we hope we can do something about in the very near future.

I guess the genesis of this bill arises from a constitutional challenge, and the government, I guess, is trying to respond to that. I hope they have done their research, because too many times we've seen this government rush ahead with things without looking at the legal and constitutional implications of some of the things they've passed in a hurry. They are claiming that this meets the constitutional tests, and those constitutional tests are very rigorous ones. This government's attempt to try to deal with

that constitutional hot potato, basically, is not one that I underestimate, because it is sometimes too easy to say, "Well, here's the quick solution." I certainly think that the government and its learned researchers and lawyers have tried to answer that and to ensure that this is within the Canadian charter and meets the rigorous requirements as set forth by the Supreme Court.

1550

That's why I think it's important for those of us in this assembly to look at different aspects of this bill and ensure that we ask the questions now, in terms of whether it does meet the Supreme Court decision and its requirements, so that if there are necessary amendments, we put those forward. I know our caucus is looking at the bill in detail to make sure that there aren't any encumbrances there that could get us back in here with another piece of legislation that is basically in need of more refinement etc. Hopefully we can help in doing that.

The other aspect of this—I'm not sure of the regulatory conditions and the regulations that will be required. That will be an important part of this bill, and I hope those are done with great care and with great interest. I think this has to be done not in the spirit that it was originally done. When Mike Harris came to power, he sort of rubbed his hands in glee that he was going to basically repeal everything that all other governments had done before him. It wasn't just the NDP legislation that he was going to repeal; as you know, he was going to repeal everything Roberts or Davis did. I hope that isn't the rationale, that you're not doing it for ideologically driven reasons; that you're doing it because you want to make good legislation that protects citizens who are depending on us to come up with some reasoned answers. You never come up with good legislation when you do it in a rush, as Premier Harris did, for the wrong reasons.

Hopefully, this is a more reasoned approach that looks at the consequences of being too reckless in this attempt to deal with this problem originally, and hopefully this one has been more thoughtful, more reasoned, more researched by the bureaucrats in the Ministry of the Attorney General and the Ministry of Agriculture. We just can't afford to basically continue to do these kinds of major revisions to labour laws without proper and due process. I hope this will meet that test so we're not back here again and that there are, again, some remedies here in this bill.

The other thing that is very related to this legislation is the future viability of the family farm. As you know, the whole of southern Ontario is under a great deal of pressure, because of urban sprawl, to eat up valuable farmland. In southern Ontario, we have some prime farmland that is second to none, whether you go to the Niagara Peninsula or the tender fruit belt, or whether you go into your community where they're known for their dairy herds—if I'm not mistaken—dairy products, mixed farming. To me, these are like a great resource, a great wealth for this province. In other words, they're not making any more of these prime farmlands; they're not going to be able to reproduce them in the future.

I hope that our young pages sitting here realize that, that once a farm becomes part of a subdivision, as sadly too many have become in recent years—I know in the greater Toronto area over the next 10 years it's estimated we're going to lose 250,000 acres of prime, grade-A farmland. Some of the best farmland in Canada will be lost to the building of subdivisions. Those acres that we lose are a loss to all Ontario, because not only do we lose the tranquility of the farm property that is like a lung or that sometimes acts like a filter for the impact of urban smog and so forth, but we also lose the future productive capacity of that acreage. Right now, we feel we can import all our products from California, Mexico or wherever it is, but there may come a time when we're going to have to be much more dependent on homegrown products.

We were discussing at the Thanksgiving table the lack of appreciation of Canadian fruits and vegetables. We seem to rely on orange juice imported from the United States all the time. What's wrong with drinking good old Canadian apple cider? We don't see our squashes, our pumpkins, our Canadian zucchinis, all these wonderful products that are high in vitamins and nutrients, at the kitchen table any more. We see nothing but imported fruits and vegetables from other countries. We're getting so hooked on those imported products that our children—I don't know when the last time was that one of these pages ate a squash or a good Canadian cabbage.

We have so many affordable homegrown products produced from our farms that we don't appreciate enough. If we don't invest in and protect these farms, these resources are not going to be there for our children's children. That's what I see happening.

Try to get young people or anybody to eat beets—there's another fabulous root vegetable. Carrots and beets are wonderful products that are grown here. We don't market those wholesome products enough. Instead, we are too much into imported fast foods, too much into imported vegetables from offshore.

Perhaps we should start a campaign of educating—

Mr Bisson: Why don't you mention turnips?

Mr Colle: Yes, turnips is another product. That's one of the things you don't see on the table enough. A turnip is one of the healthiest vegetables you can eat. As I said, at Thanksgiving, that's what we had. We basically had an array of turnips, squash, cabbage, coleslaw, a good old Canadian turkey, and it was wonderful.

Sometimes people sneer at that and they think, "Well, that's not important. What's grown here in Ontario on the family farm, the products, who cares about the fact we're losing so many different kinds and qualities of apples?"

We used to grow hundreds of different kinds of wonderful apples in Ontario. Now we're done to very few kinds of apples. What this means is that we will lose this wonderful resource unless we appreciate it more.

I think that as lawmakers we have to also do what we can to say, "This is important." I know some members across there don't think, when we're talking about turnips or Ontario squash—I think that explains why we have to

pay attention to what the farmers are doing in trying to make a living. This is all part of it. If we don't appreciate what they produce, how are we going to appreciate them? That's what I'm trying to say; that's all.

I'm not from an agricultural area, but I will try and do my best to make people in my riding of Eglinton-Lawrence appreciate the fact that we have the quality of life we have because we have affordable, good, wholesome, healthy, natural food available to us as a result of the sweat and investment of our farmers who are willing to make these sacrifices. We should appreciate them more. Today I've been given the opportunity to say that, and I'm not ashamed to say that and I will say it to anybody, whether I'm in Toronto or in the Legislature. More of us should be speaking about appreciation of Ontario in this Legislature.

1600

The Acting Speaker: Comments and questions?

Mr Bisson: I've been here a long time and that's the first time I've heard somebody get up and give a speech about how somebody should eat their vegetables.

The issue here is that neither the Tories nor the Liberals want to give workers in the agricultural sector the ability to organize. That, to me, is really a sad reflection of where we've come to in this province.

The Liberals and the Tories are trying to say, "It's all about organizing the family farm." It's not about organizing the family farm. Do you think Monsieur and Madame Lefebvre and their three children are going to go out and organize because dad didn't come home one night and didn't give somebody a paycheque or didn't let them ride the combine or whatever it might be? Rubbish.

This is about the big agricons. This is about the big mushroom plants. This is about all those agricultural businesses that are owned by big multinationals, by and large, and those workers don't have the right to organize. What kind of democracy is this?

How can you stand there and preach to people to eat their vegetables and you're not going to allow workers to organize, one of the democratic rights we're given in this society? It's up to workers to decide if they want to organize. Why should we as legislators take that right away from them? Shame on you. Don't come in here as a Liberal and preach to me about who should be eating their vegetables. You should be talking about workers and their right to democracy.

The last time I checked, Canada, and Ontario, was a democratic nation and one of the basic, fundamental rights of democracy is the right to organize. You might think it's a pain in the ass, but that's what democracy is about; it's to give people the rights and the vehicles they need to make sure they can participate in democracy.

Shame on the Liberal Party for not even having the guts to vote on this at first reading, and shame on the Tories for trying to take away the rights of workers—a pox on both your houses.

The Acting Speaker: I just caution not to get carried away in the passion of the moment with language that is not appropriate.

Mr Barrett: I appreciate that the member from Eglinton-Lawrence had some good things to say about eating one's vegetables and had some good things to say about the food industry and the agriculture industry in Ontario.

As the NDP member opposite has clearly pointed out, the Liberals did not support this bill on first reading and that is of concern. We may see something different on second reading. I can't speculate. I can't speculate with respect to their support on third reading. I question why they would not support it on first reading. It's a piece of legislation that will protect—

Interjections.

Mr Bisson: At least I know where you guys are coming from.

Mr Barrett: We know where the NDP is coming from and I appreciate that. When I'm knocking on doors I can explain that if I am talking to a union man or a union woman.

I question why the Liberals didn't support it on first reading. I consider this balanced legislation that recognizes and protects the rights of agricultural employees to associate, ever bearing in mind the importance of recognizing the very unique characteristics of farming.

I try to explain to Liberals that it protects the rights of workers. It protects their right to form an association. It protects their right to join an association. It protects their right to participate in lawful activities. It protects their right to assemble or to make representations to their employer. It protects their right to discuss terms and conditions of employment with an employer, and in this case they can do this through an employees' association.

Mr Gerry Phillips (Scarborough-Agincourt): As the member said in his comments, the public should recognize that the Liberals abstained on first reading. The reason was, and the public should recognize this, that we had no idea what was in the bill. The bill was presented and tabled and we'd never even seen the bill. The public should understand that. We'd never even seen the bill. The government members say, "Why didn't you simply make a vote?" We thought it might be a good idea, as my colleague said, to actually read the bill. I'm sorry the Conservative members don't like my colleague complimenting the agricultural community on the quality of its product. I'm sorry they found that offensive. I didn't find it offensive.

I represent an urban area, Speaker, but you know my family comes from your constituency—Birr. I'm like a lot of other people in Ontario who live in an urban area but whose roots are agricultural. That's our background. So I'm proud that my colleague was complimentary of the agricultural community, took the opportunity to point out the quality of the product, and did a little bit of selling of Ontario agriculture. The Conservatives may find that funny, or something, but I compliment him.

He outlined very clearly the parts of the bill we support—and we'll vote in favour of the bill—and our concerns. We see in this bill some good things; we have some concerns. We've said, "Listen, we form the govern-

ment, we'll deal with them," and it's our hope that we will.

I take my hat off to my colleague, who spent a substantial part of his speech complimenting our agricultural community on what they do, outlining the things in the bill we support and the things in the bill that we have difficulties with.

The Acting Speaker: I just had to help anybody who didn't know where Birr was. It's halfway between Arva and Elginfield.

Mr Kormos: This bill perpetuates a working-class apartheid, and I find it extremely disturbing that New Democrats are standing alone in fighting this bill, when this bill perpetuates that apartheid among workers here in the province of Ontario. We acknowledge, of course we do, and we should celebrate the hard-fought struggle of working women and men over the course of decades and generations, where they won the right to organize into trade unions and to collectively bargain.

In 1994 the New Democratic Party of Ontario finally extended that same right to an excluded class of workers—agricultural workers; workers like Thomas Dunmore in the mushroom factory industry. It's not the family farm. It's high-tech heavy machinery, 200 employees, who had, until New Democrats formed the government of this province, been denied the right to form a union and to collectively bargain; to bargain around wages, yes, but as important, indeed more important, for agricultural workers, to bargain around issues like occupational health and safety. Agricultural work is probably the single most dangerous occupation in this province, in this country.

By God, I say it's for fair-minded, just-minded people in this Legislature to stand and fight an apartheid that's being imposed by this government's legislation in their effort to circumvent the Supreme Court of Canada ruling. I look to other members of this assembly, both in government and in the official opposition, to stand up and speak against this apartheid.

The Acting Speaker: The member for Eglinton-Lawrence has two minutes to respond.

Mr Colle: I was very, you might say, set back by the trivialization by my colleague from the NDP of my attempt to say I appreciate what the farmers of Ontario do for us and what they produce. I tried in my best way to say that we don't appreciate them enough, and that maybe as Ontarians we should appreciate them more. Whether it's eating Ontario products or advertising them, I think we should do more of that as legislators, and I hope we do that. That's what I was trying to say, and this bill is part of that kind of acknowledgement that we have to do more.

It is a unique situation. The farm, as we know it, is a very fragile place. As I said, it's more than just a place where people work; it is part of their life and it's part of an extension of their family heritage. So it takes some special consideration. That's what we're saying here on this side.

The NDP member can preach, but I think that when you want to talk about double standards and hypocrisy, if you look at what the NDP did to the social contract—

The Acting Speaker: No, we don't use that term in here.

Mr Colle: No. But he is preaching to us, when they ripped apart the most contracts in the history of this province, and he has the nerve to stand up and say that they are the sole protectors of the working men and women. Well, let them say that to the people who had their contracts ripped up by this government when they were in power. That is the litmus test that a lot of workers put on the NDP. When you were there, you forced the social contract and you broke all the principles and promises you made, so let's not preach to other people. Let's just stand up and say what we stand for, what we work for and what we think is important. That's what I tried to do.

1610

The Acting Speaker: Further debate?

Hon Doug Galt (Minister without Portfolio): I appreciate the opportunity to be able to speak on this proposed bill, The Agricultural Employees Protection Act. Certainly it was well bungled back in the early 90s when the government of the day, the socialist government, brought forward some of their employment legislation. They had no concern for farmers, no concern for agricultural products. It didn't matter to them whether the tomatoes rotted in the field, or whether the corn was left to be frozen into the middle of the winter, or whether the cows got milked at six in the morning or six at night. It was of no concern to them just as long as they got their legislation in place and continued with their philosophical approach.

I think we did the right thing by getting rid of that of draconian legislation that had been brought in. Then it would appear that there was an issue with the courts as it related to the Charter of Rights and Freedoms, and we are recognizing that. We believe that we are introducing some balanced legislation that's going to facilitate the employee-employer relationship.

We recognize the quality of life on the farm and the issues and the problems that occur there, but one of the things that I really sincerely hope doesn't happen for the agricultural workers when they do form some unions is to find themselves with some staff, or some of their elected people, in this special group, this club of \$100,000 per year of salaries that are being made by union leaders. I think it's a shame that in one year this club increased from 260 to 299 union leaders. Look at our teachers paying \$1,000 or so a year for the union dues so that they can end up taking salaries of \$100,000-plus—299 of them in the province of Ontario that are making that kind of money, taking it from the people, as the NDP would say, whom they are protecting. They are there to protect the working men and women. I don't see that this is a way of going about protecting the men and women in the province of Ontario, when 299 of those leaders are making in excess of \$100,000. I don't think they have the

best interests of those working men and women at their hearts. For example, CUPE's managing director, Gordon Johnson, was the top earner, with \$210,000 per year in the year 2002. CUPE national president, Judy Darcy, earned just over \$125,000. This is the kind of money that these leaders are making.

Then you look at the teachers. "Second on the list was OSSTF administrative director Kenneth McLaren at just over \$176,500. Its president, Earl Manners, earned just over \$118,000."

I'm concerned that agricultural employees may end up caught in this kind of scenario. I think it's a genuine concern when you see what is going on. They may sign on with one of these organizations as a branch or whatever. I think they need to understand—and thank heavens we have in place the legislation that does expose these kind of salaries.

It goes on. The annual salary disclosures: "Of the 299 salaries over \$100,000, eight were over \$150,000.

"Canadian Auto Workers president Buzz Hargrove's salary and benefits totalled nearly \$142,200."

I want to share with you that this is all from a very credible source called the Toronto Star. This was in the Toronto Star on October 24 of this year. The headline is "299 Union Officials' Salaries Top \$100,000."

The "compensation for Robert Brown of the Sheet Metal Workers' International Association dropped to about \$136,800 in 2001 from \$162,000 the year before." That was very, very thoughtful. Maybe because it was being put out in the newspaper because of our legislation, he decided to take a little less salary.

"Ontario Nurses' Association president Barb Wahl's salary was about \$120,000, while Toronto Police Association president Craig Bromell earned about \$115,500."

I just thought to have that on the record would be of interest to those in the socialist party, who brought in some of the legislation back in the early 1990s, and that they'd want to appreciate some of the things that are happening in the unions which they say are there protecting the working men and women. I just thought that the working men and women should know. If they're happy with that, I'm happy. That's the way it is.

Our government, as usual, has consulted extensively on this particular piece of legislation. We've talked to organized labour and we've talked with various representatives in the agriculture industry, and we've heard that Ontario agricultural employers value the relationship with their employees. They believe it is a good one, and presently they are working well together. We've heard that it's important to treat all agricultural employees in a consistent manner, but hopefully it's not consistent with these kinds of excessive salaries for their leaders. We've also heard that agricultural production must not be vulnerable to risks of potentially devastating labour disruptions. That certainly can happen when strikes or lockouts occur.

When this legislation was being drawn up, our government remembered some of these issues, some of these things that were being brought forward, and has imple-

mented them into the proposed legislation before us that we're addressing here today.

The proposed legislation would enable agricultural employees to exercise their rights to form and to join an employees' association. They could participate in the lawful activities of that association and have the right to assemble, which is a real right of every Canadian. They'd have the right to make representation to an employer through an employees' association. The proposed legislation would ensure that they could do all of this free from any interference, coercion or discrimination. That's basically our right as a Canadian. There would literally be no restrictions other than that the association would be comprised of agricultural employees.

The associations could, of course, be comprised of agricultural employees from any number of farms. They could be organized on any basis that the employees want. They could be the branch of another organization, including a branch or local or union. But I'd certainly caution them to be careful which other union they might want to be a branch or local of, because they might find themselves in a union where the leadership and the hired staff are making rather significant salaries, maybe more than I think they should be making, when they're there to protect the working men and women of this province. So I would send out a cautionary note that if they decide to organize or assemble on the family farm, they have a look at the salaries of the senior people in the unions here in Ontario and really think twice about which union they would associate with or have a local with, because it's their hard-earned dollars that go to the union dues that end up paying these salaries.

1620

I want to make it very, very clear that, while an agricultural employee may join an association that's a union, the proposed legislation does not extend collective bargaining to agricultural workers. Also worth noting is that while the proposed legislation is not about workplace health and safety and is directed at agricultural employees' rights of association, it would enhance the ability of employees and employers to communicate about terms and conditions of employment, including any concerns about workplace health and safety.

This bill is about protection. Should an individual or an association believe their rights have been contravened, they will be able to go to the Agriculture, Food and Rural Affairs Appeal Tribunal, the authority to hear those complaints or those alleged contraventions of the act and to ensure remedial orders are in fact taken.

This proposed legislation would also protect a farm's most valuable assets: the land, the livestock and the crops. I think that was what really incensed the agricultural community when back in roughly 1993 or 1994 this other legislation came forth. They were very concerned what would happen to their crops that were ripe. There are only three days for a crop. That's the day before it's ripe, the day it's ripe and the day after. There's only really that one day it's prime and it's ideal to get out there and harvest it. If you're in the middle of a labour

dispute, that's not going to happen. When it comes to livestock, they have to be fed on a regular basis, not just when there's no labour disruption. A lot of working of the land depends on weather and temperature. You just don't have a choice of whether it's going to rain or not going to rain. Again, the protection of these valuable assets for a farmer is pretty important.

The tribunal would take into consideration human health and safety, normal agricultural practices, animal health and safety and plant health, planting and harvesting, biosecurity needs, privacy or property rights. These considerations are to ensure that normal agricultural operations are not unduly interfered with.

The proposed legislation would protect the rights of Ontario agricultural employees. The proposed legislation would also recognize the unique characteristics of Ontario agricultural operations, and the proposed legislation is carefully and appropriately balanced. At least I believe it is, although some on the other side of the floor would not agree with this.

But I do plead with the farmers, with the agricultural workers and employees that if this legislation is passed and they have the opportunity to assemble and form a union, they have a look at the union they would be connected with. Maybe it would be best if they had their own union of agricultural employees rather than joining in with some of these others that have these exorbitant salaries over \$100,000. I don't think they need some of the 299 union officials who make in excess of \$100,000 a year, but if they do, they should very carefully select which one of those unions they would want to have representing them.

Thank you very much for the opportunity to address this bill.

The Acting Speaker: Comments and questions?

Mr Joseph Cordiano (York South-Weston): I listened to the debate this afternoon, not only the member who just spoke but other members.

Essentially what we have before us is a bill which we support because, ultimately, there is no alternative. The fact remains that the family farm is something we on this side of the House do not want to endanger. This bill is far from ideal. It doesn't go far enough as far as we're concerned, but we're prepared to support this bill because it does, as I say, continue to protect the family farm in the immediate term.

I think that's an important thing to do in our province. It is part of our heritage, the family farm. We have a long rural tradition in this province, an important one, and I believe it must continue into the future. We have to continue to recognize that the family farm is not only a notion, not only something that we hearken back to as a sort of idyllic kind of place, but it is and continues to be an essential feature of our productive capacity in terms of agriculture.

Listening to what the member had to say, I believe that he did raise a number of points that made a lot of sense. But I also think that with regard to the debate that has taken place around labour and the history around

labour legislation, a lot of partisanship has entered into this debate. That's fair. This is the place to have partisanship, there's no doubt about it, but we have our differences of opinion on this side of the House with respect to labour legislation and we believe that this government hasn't recognized all the essential features that need to be recognized.

Mr Bisson: Just a couple of points to Mr Galt. First of all, he talks about how in 1993-94, when we brought this legislation forward as the NDP government, we were going to affect the ability of farmers to get crops out of the field because all those newly organized workers would be out organizing and signing union cards, and they'd all go out on strike when the farmers were pulling their crops out of the field. It just goes to show, first of all, the utter disgust they have for workers who organize, which was the other part of his speech, but also how little he knew about the legislation.

Under our legislation, yes, we gave people the right to organize, but we didn't give them the right to strike in the way that you explained. What we said was that if there is a dispute in negotiations and you're unable to resolve it at the bargaining table, in fact the 1994 legislation would allow for an arbitrated settlement. What do you have against an arbitrated settlement? Are you saying that somehow or other, if two parties are negotiating and an employer hides the numbers or doesn't want to share in the profits that he makes from his business, you shouldn't go off to arbitration to find a settlement? What part of fairness don't you like? Or do you propose that we should always pay workers the lowest possible wage ever because most of those profits should stay in the employer's pockets? I think that's what you're saying. It shows not only your disgust for workers and their right to organize but how little you know about the legislation.

I also thought the comments he made on how he took pride that workers have quit unions, that union membership is down and the reason for that was their legislation that posts how much money union leaders make and the salaries for those over \$100,000, were quite interesting. I thought that was rather interesting because it confirms what I've suspected, that that was the intent of it all the time. It's about undermining unions and the right of workers to organize and to affiliate under unions. We truly know what you guys are all about.

Mr Chudleigh: Northumberland of course is an absolutely marvellous part of the province and a great area for apples, a subject near and dear to my heart. This year Northumberland county was one of the few areas of the province that missed the May 9 frost, and so in the Northumberland area they had a very good apple crop. I think you might call it a bumper crop, would you? That's when the bumper on the pickup drags along the ground because it's so full. That's called a bumper crop. I think they had certainly one of the best crops in Ontario. So in Northumberland, farm labour of course was very busy this year picking apples. Most of that is done on piecework, where agricultural workers make a fair

amount of money, which is where most of the harvest labour work is done.

Northumberland county also grows some strawberries. It's a unique strawberry production that starts mid-June. I believe that they finished picking this week. Perhaps they finished last week, but they were picking right through the summer on day-neutral varieties. It's one of the few areas and the largest area in Ontario that produces day-neutral strawberries. We actually have strawberries in Ontario from June to October, four months. Where it used to be a three-week crop, it is now a four-month crop. Because of the climate next to Lake Ontario in Northumberland county, we are able to produce those strawberries there with some security.

I don't think I've said much about the member's speech, but it is a wonderful place in the province and I appreciate everything he said about this wonderful bill.

1630

Mr Phillips: I want to focus on the member's comments on the union leadership salaries. I'd simply say that those salaries are set by the membership. The leaders have to go before the membership, sometimes annually, sometimes every couple of years. They have to stand for election. They have to defend themselves in a democratic forum. The membership make a decision on what they want to pay their leaders.

I contrast that with Eleanor Clitheroe. Mr Wilson was the Minister of Energy. He said that he met every single week with the chairman of Hydro One, that he knew everything that was going on at Hydro One. He had to have known what Eleanor Clitheroe was making. I raised it here in the legislation in the middle of May with the Premier. I said, "Is this acceptable to you?" He referred it to the Minister of Energy, who never answered the question. I raised the same question the next day and the Premier essentially accused me of making it up. It was only a couple of weeks later, when finally the public weighed in on it, that the government said, "It's either Eleanor or us," and cut Eleanor, fired her essentially, put in a new board that fired her.

The reason I say this is that in my opinion the government and Mr Wilson, the Minister of Energy, knew all along the salary Ms Clitheroe was making, the \$6-million severance pack she had, the \$1-million-a-year pension, knew all along and condoned it, did nothing, until the public outcry forced the Premier to say, "It's her or me," and in those circumstances it was her.

It's difficult to lecture the union leadership when the government has condoned that sort of salary level.

The Acting Speaker: The member for Northumberland has two minutes to respond.

Hon Mr Galt: I appreciate the responses by all the members, but particularly by the member from Halton. Some of his observations were very insightful, particularly of Northumberland county. Maybe he's been eating some of the apples in the caucus room and that's why he recognizes the quality of the apples coming from Northumberland. He has a connection there. I think there's a relative in that riding. He also had some property in the

riding once upon a time. It's very kind of him to mention the strawberry production, ever bearing throughout the summer, June through till frost. Of course the frost came in October, a week or so ago, and I expect brought to an end that particular—but we look forward to those strawberries come next spring.

I appreciate some of the comments made by the other members. The member from York South-Weston indicated he's prepared to support this legislation. The member for Scarborough-Agincourt talked about salaries and decisions. Yes, he's absolutely right—provided the rank and file know what those salaries are. By having to reveal salaries over \$100,000, that's now necessary. So I agree with him that if they know what the salaries are and that's who they want to elect, that they're worth that, I think that's just fine. What's important is that the membership realize this.

I was interested in the member from Timmins-James Bay talking about "silly"—my comments as they related to crops and getting them in—because their bill allowed arbitration and arbitration settlement, but it didn't say "required." They still, as I understand it and he didn't say differently, couldn't go through the strike, the lockout situation, and with that kind of labour disruption, certainly crops are not going to be harvested.

Thank you very much for the two minutes.

The Acting Speaker: Further debate?

Mr Cordiano: We on this side of the House support this bill, as I said in my comments earlier. We do so because of the importance of the family farm, or let's put it this way: small farming operations that tend to be largely run by families, to this day. As I said earlier, we have an almost ancestral obligation, if you will, to maintain that family farm, to make certain it stays intact. My colleague from Eglinton-Lawrence spoke somewhat passionately about Ontario farms and what they have meant and continue to mean to us to this day. We recognize that the family farm is a cornerstone of agricultural production in this province. We think it's of vital importance, not just from a heritage standpoint but also from an economic standpoint. Agriculture continues to be a very important industry for our province's economy. Many thousands of people are employed in the industry and will continue to be employed in the future.

Every government has recognized agriculture as an important industry, but I say to you that, as we move forward with this legislation, we believe it doesn't go far enough. We're going to support it because it does recognize the importance of the family farm. Let me explain what I mean by that. We need to make a distinction in the future between what is a small farming operation, a family farm, and a large factory style farm employing hundreds of people in the various food production industries.

I for one believe further protection needs to be granted to those workers. There is a need to recognize that there are health and safety issues in those production facilities. They're large-scale, sometimes employing many hundreds of people. There is no difference between that style

of operation and any other industrial operation in the manufacturing of other goods.

I think there is a distinction to be made, and we have suggested we would move legislation that would go further. We would exempt the family farm. We would recognize there's a need to have a cut-off point, and that would be based on the number of employees. That must be established. We would have consultation with various people from the industry and others who are involved in this process, who have a stake in it.

I think it's important that we move on that front, however difficult that may seem, and it may seem difficult to the government to accomplish that, but we live in a complex world. If we are to be global competitors, we have to acknowledge that sometimes the need for arriving at these complex solutions is derived in legislation that recognizes there isn't a black and white, recognizes that there is room for compromise. Having a piece of legislation that would recognize the family farm, or the small farming operation, could be exempted, is absolutely important and we would move on that front upon forming a government.

I come from an urban background. Obviously, I don't have the kind of knowledge of the agricultural community that some of my colleagues do in this Legislature, but let's try to make a connection between small business, for example, and a small farming operation. I think there is a commonality there that we could extend, at least in terms of helping those of us who don't come from an agricultural community to understand the difficulties small farms face, that the family farm faces.

The family farm faces many more difficulties than any other operation in our economy. There are huge hurdles that need to be overcome. Sometimes we take it for granted that people still engage in farming. Many people just eke out a living from the family farm, in fact don't even make a living and have to supplement their incomes on the farm by working off the farm. That's the stark reality we face in modern times.

That makes it awfully difficult for the small farmer, the small family farm operation, to make ends meet. We say that we recognize there is a need—let me put it another way: we should not in any way throw up obstacles to that family farm's getting in the harvest and making certain there isn't a disruption in employment. A disruption in the provision of labour is where we draw the line and say there is that need. Small family farms could not operate if there was a disruption in labour.

1640

That's why we're suggesting that we would go further in legislation that we would bring forward upon forming a government, because there is a need to acknowledge that. At the same time, we feel compelled to protect workers in a setting that is a large-style operation. There are many inherent features of that that can be likened to any kind of production facility in any industry. Workers have the right to be protected and, under the piece of legislation we would bring forward, they would have the right to organize and to have a collective agreement.

Now, we would say as well that we would not allow for significant stoppages of work. Disputes would be settled by mediation, and there would be binding arbitration if required. That is, I think, a feature that would also allow us to move forward legislation that is a little more complex and a little less black and white and would recognize the realities of the workplace, recognize that there is a need for collective bargaining to take place, but also recognize that the agricultural industry is somewhat unique, with features that do not apply to any other industry. I think that's what good legislation is all about: recognizing that there are real needs and that those needs need to be met.

Again, agriculture and food production in this province is world-scale. It's a significant industry, employing many thousands of people. We cannot have disruptions to that industry. It's of vital importance, even more so in the future. As my colleague alluded to earlier, we are losing farmland at a rapid rate. It's being paved over. It's unfortunate that we haven't moved to protect that farmland more greatly than we have, and I think that's regrettable. All governments have failed to do that, in fact. I think what that has led to is a great degree of urban sprawl. We need to deal with those issues. Those are challenges we face in the future. Most municipal areas face similar challenges around the world. This is not a problem that's unique to us, to Toronto or the GTA or any other municipality in and around the Golden Horseshoe. We have most valuable agricultural land in that Golden Horseshoe, which needs to be protected.

Getting back to the Agricultural Employees Protection Act, this is a piece of legislation that is not ideal but that we support because we recognize the long-standing traditional connection to the family farm that this Legislature has continually supported. I'm not suggesting for a moment that my friends in the New Democratic Party do not recognize the importance of the family farm either. I think it would be a shallow argument for me to say that. I think it's fair to acknowledge that they recognize the importance of the family farm. But they would do it differently; they did do it differently. They had their own piece of legislation that was brought in, and this government repealed it. We said we would have done the same thing. In our opinion, it went too far in terms of the family farm. Small farming operations could not have operated as efficiently, they claim, as they could have without that piece of legislation being in the way of that small farming setting.

With respect to my friends in the New Democratic Party, however, they were also a party that, shall I say, were very disruptive in terms of labour legislation. That's an understatement. In fact, their legislation, the social contract, was very draconian. It ripped up collective bargaining agreements across this province. In fact, it was unprecedented. No government or party before ever dared do that. It was a labour party, of all things, that did that. So no one in this place can lecture anyone else around what is going on with respect to labour matters, certainly not the NDP.

This current government, on the other hand, has been very draconian when it comes to the labour movement. They've gone to the other extreme, making it almost impossible for the labour movement to organize workers and to have first contracts and to reach collective bargaining agreements.

So I think there is room somewhere in this province for compromise, to recognize that balance is necessary, that balance is absolutely important when it comes to the workplace, and that's what's missing in Ontario today—balance.

We would go further in terms of legislation dealing with agricultural employees, and we would attempt to strike a better balance. So we support this bill, but with reservations and concerns, which I have attempted to outline here today. I thank you for the opportunity to speak.

The Acting Speaker: Comments and questions?

Mr Bisson: Interesting comments. Let me do it in reverse order. First of all, the member talks about how we were draconian with the labour movement when we were in government. I guess giving workers the right to have anti-scab legislation in this province is about as draconian as you get. I guess giving workers the right to control their own pension boards was being draconian. The list goes on. Yes, we did do the social contract, but I will argue, and most workers will argue and most leaders of those unions affected will argue today, far better the social contract than seven years under the Harris Tory government that basically has whacked unions and workers in this province. So I stand proud of our record. I don't try to run away from it whatsoever.

When it comes to the issue of the commonality, he made a point that I thought was interesting. He tried to make an analogy between how family businesses were analogous to the family farm, and I agree with him. But how many small family businesses have been organized by unions out there because people have the right to organize a small family business? Hardly any. I don't know of any in my riding and I don't know any in the dealings that I've had where a small family business, where the family is employed in the small family business, has joined a union. That's our point. Workers are not going to go out and organize the family farm, just as workers don't go out and organize the small family business, where they have the right to organize. This is our argument with this legislation.

Our legislation was about giving all workers a right to organize. Let them decide who the heck they should organize. In most cases, I'd say 99.9%, they're not going to organize the family farm or the small family business.

Then he made another comment, which I'm not going to have a chance to comment on now; I'll wait for my speech, which is coming up next. But I just say to the Liberal Party, you can't suck and blow at the same time. That's what you're doing on this thing. You can't on the one hand stand with workers and say that some of us have the right to organize sometimes and then on the other hand say we don't have the right.

1650

Mr Phillips: I wanted to compliment my colleague and say, as he pointed out, probably the most dramatic thing done to the labour movement was indeed the tearing up of the contracts under the NDP. Those were signed contracts that were supposed to be sacrosanct, according to the NDP. The NDP said, "The times changed and we had to do it. We had no choice." I understand that's the argument, but as my colleague pointed out, that was the fact. If you look historically at it, there's no question. Therefore it's difficult to take them at their word when we have that on the record.

The second thing I'd say, as my colleague pointed out, the member who commented on my member's comments said, "There won't be any organization of the family farm. What are you worried about? It's just not going to happen." If you think that's not an appropriate thing to happen, I gather you're saying the bill should be amended to allow it to happen, but it just simply won't happen. You can't suck and blow. You can't say that the small family farm is not an appropriate environment for a union and then say, "But the bill should be amended to permit that to happen." You can't have it both ways. The NDP can't have it both ways in this matter. You're going to have to make your mind up. If you believe, when you go and knock on the door of a family farm, that they have the right to continue to run their operation the way they want to, you've got to say that, and so far you haven't.

I wanted to compliment my colleague here, who laid out our concern and how specifically we would deal with it. We're voting in favour of the bill, but we would deal with our concerns in the way he outlined.

Mr Bob Wood (London West): On a point of order, Mr Speaker: We have with us in the members' gallery two visitors from northwestern Ontario from the Pwi-di-goo-zing Ne-yaa-zhing Advisory Services, which is based in Fort Frances. They are Mr Jim Leonard II, the executive director, and Mr Tom Bruyere, the economic development adviser. I know the House will want to join with me in welcoming them to the Legislature.

The Acting Speaker: That is not a point of order but we welcome you to our session.

Mr Colle: I just want to thank my colleague from York South-Weston for his very balanced and very thoughtful presentation on this bill. Given that the member for Northumberland mentioned the apples in Northumberland and the member for Halton mentioned the products in his wonderful part of Ontario, I'm surprised he didn't mention the Weston farmers' market, which is at Weston Road and Lawrence, where every year people come to get locally grown fresh fruits and vegetables at the GO station on Weston Road. The farmers from the GTA bring their products there.

His main thing was to say that we on this side are sensitive to the unique position the family farm has in Ontario and the traditions it stands for. That is why we've supported this legislation, because there is a very tenuous state of affairs for a lot of farm families and their farms. The feedback we've got is that the farm community and

their spokespersons support this type of legislation. They feel that they need this for their peace of mind and to operate as they have done. So that's why the member for York South-Weston has said that we have looked at this bill and we think it is the right thing to do and we're willing to support it. We haven't said it's perfect, but it's a step in a direction that we think is fair.

Hon Frank Klees (Minister of Tourism and Recreation): I'm pleased to provide my comments. I'm pleased to see that we have the support of the Liberal Party for the bill we have before us. We certainly weren't expecting the NDP to support this bill, not that they don't care about the family farm, but I do believe that perhaps there is a lack of understanding on the part of that party on just how the family farm functions and how important it is that there is a level playing field for these businesses—in fact the first small businesses that there were—and the importance of protecting the investment these small businesses have.

In my riding of Oak Ridges, I'm pleased to say that in the part of that riding that is rural, the township of Whitchurch-Stouffville, we have everything from cash crops to dairy farms and, talk about strawberry fields, probably some of the best strawberry fields in the entire province.

I grew up in the town of Leamington in Essex county in southwestern Ontario. Throughout the time I went to school, I often spent my summers picking tomatoes. I know what it's like in that particular part of this province and how important it is that we have reasonable labour frameworks within which these small businesses can in fact count on their employees to be on the job at those very critical times in the course of a year when it's time to harvest. It's not like other businesses where you can allow the inventory to just simply sit and wait out a strike of the employees. We have to be understanding of the special needs of the farming community. I believe this bill does that, and I invite all members to support it.

The Acting Speaker: The member for York South-Weston has two minutes to respond.

Mr Cordiano: I want to go back to the point made by my colleagues in the New Democratic Party because I think it's important to recognize that if there isn't a problem with exempting the family farm—they say under their legislation workers would not organize to unionize the family farm—then what's the problem with recognizing that in legislation, where you exempt it?

Mr Bisson: Let workers decide.

Mr Cordiano: Why not have that in legislation if there's no fear of that happening? Some of these family farms perhaps have part-time workers who work seasonally. Sometimes the number of employees grows to 10 or 15. It's still, in my opinion, a small business. So we would like to exempt that, because it is a small operation. It doesn't just include members of the family. It may extend beyond that to 10 or 15 employees on a seasonal basis. That is why we in the Liberal Party understand the need for exempting that small family operation, because sometimes it does grow to 10 or 15 employees.

So I say to the NDP I think it's unreasonable that you would suggest that this won't happen, there won't be an organized movement to unionize the family farm. That could happen in fact where there are 10, 15 or 20 employees. We don't believe that should happen under those circumstances. However, if there are 200 employees and it's a factory farm, then certainly they have the right to organize and to have a collective bargaining agreement under certain circumstances. That's what we're saying in our legislation. I think this is very clear. There is no confusion about it. I think it's achievable. It's balanced legislation that we would like to see brought forward in the future, and we'll do it when we form the government.

The Acting Speaker: Further debate?

Mr Bisson: I've been waiting with anticipation to have an opportunity to speak to this because I wanted to go through about how we got to where we're at and really what's at stake here. Let's just very succinctly try to put forward the case.

In Ontario for a number of years, up until 1994, workers in the agricultural sector working either on family farms or agriCorp farms, or large corporation farms as others call them, did not have the right to organize. They were barred, by way of lack of legislation in this province, from the right of every other worker in this province to go out and organize under a trade union.

Surely we must agree in this Legislature that one of the fundamental rights we have in a democracy is the right to associate. If we don't, in this democratic system, in this democracy, have the right to associate as individuals, how truly can this be a democracy?

Prior to 1994, prior to Bob Rae and the NDP, workers in this province who worked in the agricultural sector did not have the right to organize, so we gave them that right. What has happened since then is that the Tories and Liberals, when they were in opposition to the NDP, said, "This is all about organizing the family farm." I'm going to come to that point a little bit later, but my point and what I was trying to say earlier is quite simple. It's not the family farm, by and large, that's going to go out and get organized. The individual family members who work on the farm certainly aren't going to try to organize dad or mom. If they do, dad probably deserves to be organized, right?

1700

But on the other issue, if mom and dad's farm happened to have some workers who are migrant workers—10 or 15 strong—or a number of workers who happened to be seasonal or salaried employees, the reality is that those small organizations aren't going to get organized, by and large, for two reasons. One, quite frankly, is that most of the trade unions don't want to organize small units because they are very expensive to service. But the bigger reason is that historical fact has showed us that small units—and I just use the small business sector, the independents, as an example—the small, independent business sector doesn't get organized even though those workers have the right to organize. So as I look around

my riding and you look around yours, how many small, independent businesses that are either family-owned or small partnerships have been organized by any trade union, even though those workers have the right to organize? Probably very few, if any.

What our legislation basically said was that all workers in the agricultural sector have the right to organize. Specifically, we did it because there are now large, industrial farms, large processing facilities on farms that employ 200 and 1,000 people. We said that because of the health and safety concerns in that sector and because those people traditionally are underpaid, vastly underpaid, and their working conditions are awful, they should have the same right as anybody else to organize. So we passed our legislation and we said, "Yes, those workers should have the right to organize." I'm proud that we did that as the New Democratic Party. Truly, if we believe in democracy, we must give all citizens in our democracy the same rights.

Now, the Conservative government got elected in 1995 and one of the first things they did was strip the right of workers to organize in the agricultural sector by repealing the NDP legislation. So what happened? Under a charter challenge by—I'm trying to remember the gentleman's name. I think it is Dunbar.

Mr Kormos: Thomas Dunmore.

Mr Bisson: Dunmore. Under Thomas Dunmore there was a challenge that eventually became a charter challenge put before the courts. The argument they made was a very simple one. You know what? The Liberals and Tories should listen to this, because this is about fundamental rights given to us under the charter. The argument was that for the Tories to repeal that law violated the freedom of association guaranteed under section 2(d) of the charter. One of the basic rights we have is the right to associate, and that means the right to join a trade union. We as legislators here, not us the NDP, because we voted against your repeal, but you the Tories under Mike Harris took away that right from individuals. So Mr Dunmore eventually ended up at the Supreme Court and argued that his rights had been violated under the charter, that he had lost his right to associate and, further, that the right of equal protection and benefit of the law under section 15 of the charter had been violated. That's because one of the basic things we have in our society of Canada, under our democratic system and the protections we've got under the charter and our Constitution, is basically that we have equal protection and benefit of law. That means that all citizens are of the same class. I don't mean white, black, brown, red or yellow. I mean that we have the same rights and privileges as all other citizens under the law.

Because a right had been granted and they were included as having those rights under the law, what you did created them as a different class of workers. So they went before the Supreme Court of Canada and the Supreme Court said, "We agree with Mr Dunmore that in fact the rights of individuals have been violated under the

charter.” Therefore, they ordered the province of Ontario to redress the issue by introducing legislation.

So what you have done here is to trample on the rights of individuals. If a government is not going to listen to the Supreme Court, who the heck are they going to listen to? We know you’re not listening to members of the opposition. We know the cabinet doesn’t listen to members of the Tory backbench, and we certainly know you don’t listen to the public. But certainly to God, at least you listen to the Supreme Court of Canada, I would think. Wake up over there.

So now we are faced with this challenge. The Tories didn’t want to give workers the right to organize because, as many people have said in this debate over the course of the day—as a matter of fact, Mr Galt got up with pride and talked about how his government’s initiatives are all about decertifying workers from their unions. So we know what your agenda is. It’s in Mr Galt’s own words, and I’ve heard it from other members of this assembly on the Tory side, and some Liberals, I would add.

What we’ve got is that the government said, “We’ve got to scramble. Again we’ve messed it up.” How many times have they come into the Legislature with laws that they have to try to fix because they’ve done it wrong or they’ve repealed somebody’s rights? I won’t go through that, but the list is long. It’s a long litany of things you’ve done.

But now you bring legislation and you say, “OK. We’re not going to give people the right to join a union, because we, the Tories, hate unions.” Imagine that: a worker having the right to join a union and actually negotiate with his employer and get a collective agreement, have an arbitration process, have the right to hear a grievance. “Oh, we don’t want workers having those rights,” say the Conservatives. “We’re going to let them form an association.” Nice word: “association.” So the only rights the worker has, if he or she joins an association, is to go to the employer and say, “Please, Mr Employer, would you listen to my grievance?” “Get the hell out of here.” And there’s nothing you can do.

Yes, you said under the legislation that they can go to your tribunal under Ag and Food, but my God, the tribunal is a joke. There’s no precedent of labour legislation or labour arbitration going before the tribunal at Ag and Food. It doesn’t have the same weight as the Ontario Labour Relations Board. You know as well as I do that it’s stacked with a bunch of Tories. Certainly they’re not going to listen to the grievances of those pesky workers in the agricultural sector.

What you’re in effect doing is saying to workers, “The Supreme Court of Canada says you’ve got the right to have a union. We disagree with the Supreme Court. We’ll say you can join an association, but we won’t give you any rights, once you do join an association, to deal with your grievances.” I say to you, shame.

Then the Tories come in and introduce that legislation in the House. It really was an abysmal day in Ontario. The Conservatives introduced legislation that says, “We treat agricultural workers as a different class of workers.”

You got up with great pride: “Look at us. We’re tough guys. We’re doing it again to the working people. Those agricultural workers, be gone with them.”

Then the Liberals didn’t even have the gall to get up and vote one way or another. When the vote came, we know where the Tories stood. They stood against the workers. We know where the NDP stood. We stood in our place and voted against your legislation at first reading. But what did the Liberals do? The Liberals didn’t even vote. They sat on their hands. Why? They didn’t want to be seen as voting against workers, because they’re trying to suck up to the labour movement.

I’ll tell you, there’s some sucking going on over there sometimes. The labour movement should give their head a shake, and I’ll say it here, for ever associating with these clowns. They’ve never had a record of protecting workers in the province of Ontario. Thank God 90% of the labour movement still understands that. But that 10% that does talk to the Liberals, give your heads a shake. You should be ashamed, as trade unionists. They’ve done nothing but try to screw workers since they’ve been in office, for the time they’ve been there.

Interjection.

Mr Bisson: I take back the vicious word that the member talks about, but needless to say, they haven’t exactly been worker-friendly. But enough said of that.

They didn’t have the gall to stand up and vote in this House. Instead, they sat on their hands because they wanted to be seen as pro-farmer and at the same time pro-worker. They tried to have it both ways.

I have to laugh, because the other day the leader of the official opposition accused the Premier of walking the fence. I sat back here and said, “Oh, my God. The Liberals accusing Eves of walking the fence? He ain’t walking no fence. I know what side he’s on, and I know what side I’m on. Give them guys in the Liberal Party a saddle, because they’re trying to walk on both sides at the same time, and the last time I checked, that hurts. You need a saddle.” You should be ashamed. The Liberal Party can’t make up their mind one way or another.

Let’s deal with the details of where we’re at. The argument now is, by the Tories and the Liberals—because the Liberals are in bed with the Tories on this one yet again—they’re saying, “This is all about organizing the family farm.”

Let me try to explain it to you if you don’t understand it. Workers in this province have had the right to organize in the industrial and business sectors for many years. There’s nobody that can prevent a union organizer from talking to workers who work in the small business sector, or small employers generally. It could be a welding shop, it could be a retail store, it could be McDonald’s, it could be whatever. And there’s nothing that prevents a worker from talking to a union; they have the right to organize.

1710

I ask you, how many workers in the small business sector, how many workers who work for employers, be it in the industrial sector or retail, that are small in size—you know, five, 10, 15 employees—have joined unions?

The certification rate and the organizing rate in those sectors is almost nil, because in reality smaller businesses, I would agree with the government, tend to run a fairly efficient ship.

If I'm working for an individual employer, I know that person. On a daily basis, I talk to the owner as I walk through the door. If I have a grievance, I deal with my employer. I say, "Hey, Charlie, you know last week when you gave me my paycheck? I was short an hour." "Oh, Jeez. Sorry, Gilles. I'll fix it up for you." There is a certain efficiency of small business when it comes to dealing with workers. It's not that workers always get the best shake, but workers by and large feel, "Well, you know what? Charlie, the boss, doesn't treat me too badly; I don't need to organize." If I don't like it I can go off and go somewhere else because the job is normally lower paid than other jobs, and it's easier to get those kinds of jobs. So those workers, even though they've had the right to organize for years, by and large have not organized.

The same is true in the agricultural sector. If the family farm is threatened about being organized, then who's the one who's going to do the organizing? Is it the sons and the daughters of Mr and Mrs Farmer who are running the family farm? I'm just trying to picture this, right? You take the Lefebvre farm, and all of a sudden Mr and Mrs Lefebvre, who have four children who work on the farm and they've got a couple of employees who happen to be there who do some seasonal work, are under threat of being organized? I don't think so. And if they are under the threat of being organized by their children, maybe dad should get organized. Maybe dad has to have some sort of limits on him when it comes to how he treats his children. But the reality is, that's not the case. There was not a single case in the time the legislation was there where a family farm was organized in that kind of environment.

The bigger agricorp farms, the mushroom plants, the large agricultural businesses that we have today that are not the moms and pops who hire basically workers and migrant workers in big numbers are the ones that are going to get organized, and even that's hard to do. How many migrant workers know their rights under the Canadian system of law? The migrant workers by and large don't know their rights and they're pretty afraid. When UFCW or somebody goes out in the field and tries to organize the agricultural workers, it's a tough go. Have any of you ever worked as a union organizer? I have. Imagine walking up on the family farm, as you call it, or the agricorp farm that has 200 or 300 migrant workers picking strawberries, and I'm out there as a union organizer for UFCW saying, "Sign my union card." They're going to be so afraid of me they're going to be running and hiding under the strawberry bushes, because most of them don't understand their rights. But every now and then people start to understand they do have some rights and they do have some power, and they eventually organize.

My point to you is simply this: what's wrong with that? Pray tell, what is wrong with workers having the

right to organize? I accept that the employer has certain rights and privileges as the owner of the business, but you also have to accept that workers should also have some rights and privileges. That's what democracy's about; it's about striking that balance. I say to the government, give your head a shake. This is really not a class act, what you're doing here. It's really undemocratic, in my view.

The other thing I just want to say is that the government has really got to give their head a shake on this, and I've got to repeat it. This is a question of fundamental human rights. Either we accept we live in a democracy, we say we like our democracy, and we allow it to flourish, or we take it apart bit by bit. I tend, as a social democrat—you called me a socialist; I wear that as a badge of honour. If being a socialist means I care that workers should have the right to organize, well, damn it, I'm proud to call myself a socialist. What the heck are you?

I say to you across the floor, this is about basic human rights. It's about the rights given to people under our charter. You know what's going to happen? You are going to have your majority and pass this legislation if you get your way, but we'll be back before the Supreme Court and the Supreme Court will strike down this law again, because it's wrong.

I'm saying to you, get out from underneath your rhetoric. Stop drinking the Kool-Aid in the caucus room. Start using your heads and really think about who the workers are who organized under the NDP legislation. There weren't very many instances where people did organize, but where they did organize, probably there was good reason for it.

The other point I want to make is that you're trying to tell people that under our legislation, when the crop was in the field about to be picked, workers would all go out on strike, that they would use this and would cripple the industry.

First of all, that doesn't happen, by and large. Those are very rare circumstances. But the point is that under the legislation we put in place, we said, "Where there's a dispute and it's unresolved within the season when we're actually harvesting the crop, there would be an arbitration process so we don't disrupt the removal of the crop from the fields." We understood as a government, as we understand now, that there needs to be a mechanism to make sure that happens. We can't cripple the harvest. We understand that. That's why we put in place in the legislation, when we did it, a process of arbitration. Certainly to God you're not against the process that basically says that workers should get a fair hearing when it comes to their grievances.

I only say one other thing, and I think it's very important to say. I may have the years wrong, but within the period, I believe, from 1990 to 1996 in Canada, we had over 1,000 workers who were killed on farms across this country. One of the issues around this whole thing for us as New Democrats is that we know that where workers are organized, there is a better mechanism for health and

safety, because we have a mechanism by way of our unions to organize health and safety committees, train people and get people to understand their rights. When you have an industry that had over 1,000 people killed in a six-year period, certainly to God it must mean to you, as it does to me, that we do have a problem, and that one fatality is too many. One of the things we need to do is to make sure we accord those workers the same rights as other workers in the industrial sector and other sectors of our province that have the right to organize.

I say again in closing, this is all about basic human rights. Certainly to God the Liberals and the Tories can't stand against the right of individuals to basically associate and to join a union.

The last point, in the last 30 seconds I have: I say to the Liberals, shame again. I've talked about this before. You didn't even have the guts to stand up and vote one way or another on this bill because you tried to suck and blow at the same time. I say to the Liberal Party, you should be ashamed. Stand up and be counted. Tell us either you're against the workers or you're with the workers. Let's see how you vote on this bill.

The Acting Speaker: Comments and questions?

Mr AL McDonald (Nipissing): I listened very closely to the member for Timmins-James Bay, and I must say it's very clear where he and his party stand in regard to workers. There's no question they have been very clear in their message, I believe, from the day their party came into existence.

I was looking at the Globe today. I just want to read something here that I found interesting. It's "A Call to Farms," and it's very appropriate that I read it in today.

"In a society whose citizens increasingly think that food comes from supermarkets, farmers are forgotten people." I think that's something we all have to remember. "Farmers hold an important key to our society. The next time you drive past a farmer out standing or working in his field, give him a wave, because really, he is your friend." It goes on to state the troubles that farmers have in regard to enduring skyrocketing equipment costs and ruthless and mercenary competition from their counterparts in the United States and Europe.

I believe what we want to do is recognize that what farmers do is very important to the people of Ontario. They contribute. They provide us with the food necessary so that we can become self-sufficient. I believe it's very important that we keep that in mind when we're debating this bill, Bill 187, regarding family farms, because there's no question that we need to protect the family farm.

1720

Mr Colle: I heard the member from Timmins-James Bay basically trying to tell us again that they know best, that socialists, as they call themselves, know best. I think the whole world has seen that the isms of this world do not work because they forget that individuals sometimes have different opinions and new opinions and can think for themselves.

Frankly, on this side of the House, as Liberals we are proud to stand up and say that we look at legislation and

try to see what is best for the people the legislation will affect. We don't have all the answers, the instant answers and the ideological answers the member from Timmins-James Bay has. Sorry. We don't have that. He is so quick to condemn others who disagree with him. On this side of the House, the Liberals who are with Dalton McGuinty think they owe it to the people of Ontario to consider what their concerns are before you pass legislation, to ask people, not just to vote on an ideological bent that serves the ideology rather than the need. Sometimes you have to look at a bill, see what's in it and discuss it before you put up your hand because you're told to put up your hand or because of some ism you believe in.

I think that's where most Ontarians are. They're not with the far right, as our friends across the way there, and they're not with the far left, as my friend from Timmins-James Bay is. They're somewhere where they believe they have a right to be heard.

Mr Kormos: You see, workers do think for themselves. The workers at Highline Mushrooms in Leamington, Ontario, after the New Democratic Party gave them the right, the legislative structure to form a union, exercised that right. Two hundred workers thought for themselves. Highline Mushrooms—production of 30 million pounds this year, high technology, a heavy machinery operation—is not the family farm, it's a factory.

Those workers, who remain at risk in one of the most dangerous occupations in this province, in this country, with incredibly high rates of people being murdered and maimed on the work site, poisoned by the pesticides, at Highline Mushrooms exercised their right to form a union so they could collectively bargain around issues. Probably the single, most important issue was the issue of occupational health and safety. Indeed, Tom Dunmore says that as soon as the union was formed, the company, Highline Mushrooms, started to pay a little better attention to workplace safety.

None of that guff about the family farm. We know about the family farm. That's why the National Farmers Union opposes this Conservative legislation, the one the Liberals are supporting, because the National Farmers Union knows this government has done precious little to protect the family farm from the predatory, big corporate mega-farms, as often as not with their corporate bases in the United States of America, that pose as great or greater a threat to the family farm than the right to organize ever did.

Workers on the family farm aren't about to organize. The family farm, as the Supreme Court of Canada acknowledges, is becoming more and more a romantic memory. The reality is big corporate agribusiness.

Mr Cordiano: I say again to my friends in the New Democratic Party that this is precisely why the family farm needs to be exempted in legislation. We agree that the factory farm should be included in legislation that would protect workers, that would give workers the right to organize and to have a collective bargaining agreement in place. We believe that is the right thing to do. The

200-worker factory farm should be brought under that type of legislation. We agree that should be the case.

However, we also recognize—I have to say this, obviously, and we're having this debate this afternoon—that party is not recognizing the importance of the family farm, the real need for small operations and their unique situation to agriculture, the uniqueness of the family farm where it's seasonal in nature, where the number of employees increases as a result of the seasonal nature of the family farm, getting the harvest in.

We say to you that there is a need for an exemption and that's why you need this balance in the legislation that isn't there, wasn't there under the previous government, won't be there under this piece of legislation. We will support this legislation because it moves toward that end.

However, as I said earlier, when we form the government, we will bring in our own legislation that will bring a proper balance to this very critical area. The family farm needs to be exempted. We need to recognize there are unique features involved with the family farm, and I think that party fails to—

The Acting Speaker: Thank you. The member for Timmins-James Bay has two minutes to respond.

Mr Bisson: I want to be somewhat calm in my comments, but I just say to the member from York South-Weston that we know what side of the fence the Tories are on; they're clearly on the side of the fence that doesn't support agricultural workers. We know where the NDP is; they're clearly on the side of the fence that supports agricultural workers and the right to organize. The Liberals are trying to run at that fence with one foot on one side and one on the other. The last time I checked—"Ow." Give your heads a shake and jump on one side of the fence or the other; you can't have it both ways.

You're saying, all of a sudden, that if you're the government, you're going to give a certain class of workers in some agricultural sectors the right to organize. Wow, is that big of you. You don't understand the basic premise of what was in the Supreme Court decision. They're saying that when it comes to law, you can't have two different classes of people. That's what you're purporting to do with the legislation that you say you would pass if you're the government.

I say, workers beware, because we know how you voted both times. When the NDP government gave the right to organize to workers in this province in 1994, Liberals stood with pride and voted against it. When the government brought in legislation that scrapped the workers' right to organize, you got up and voted for that too. We know where you're at. I'm just saying, jump on one side or the other. Run with the Tories, I don't care; if that's what you believe, I'll respect that. But don't tell me you're going to run on both sides at the same time, because the last time I checked, you can't suck and blow at the same time.

To the member from Nipissing, I want to thank him for his comments. The member from Eglinton-Lawrence

said people can choose for themselves. That's exactly the whole point of this legislation. It's about giving the right to workers to choose if they want to join a union, yes or no. Don't come in here and say, "We're the Liberal Party and we're going to give the right to choose. You're trying to dictate." We want workers that decide for themselves. What's wrong with that?"

Thanks to the member from Niagara Centre—

The Acting Speaker: Thank you. Further debate?

Mr McDonald: It gives me great pleasure to stand today in the Legislature and join in the debate on Bill 187. I want to say to all the people who are watching at home in my riding of Nipissing how honoured I am to be here tonight representing them. It gives me great pleasure to stand here and speak to the Legislature on what we believe in.

As you sit watching TV, maybe eating your dinner—hopefully it's Ontario-grown vegetables and fruit and beef and milk—we want to support the farmers of Ontario. It's really important that when we go shopping we support the farmers of Ontario because, truly, they're part of us. They're part of what makes our province great. I know that in Nipissing we have initiatives to shop locally. What I'm saying to the people of Nipissing and the people of Ontario is, please support Ontario products because it creates jobs in our great province.

I'm proud to be part of this government that is introducing balanced legislation. It's important that we have the word "balanced" in that statement because that's what life in Ontario is all about. It's about balance; it's about respecting each other's wishes and thoughts and beliefs.

1730

I listened to the member from Timmins-James Bay, and he was very clear where he stood; there is no question. You do respect individuals who take a stance for what they believe in, and stick to it. I too represent a significant advance in facilitating employee-employer relationships. That's key to any business. That's key to farms; that's key to any business that you run. No matter if it's in northern Ontario, southern Ontario, in the province of Ontario, in Canada, the United States, you must have a good relationship with employees and employers, and that makes the workplace all that much better for everyone.

We need to recognize the unique characteristics of Ontario's agricultural industry and its very important contribution to the quality of our life. At issue is the freedom of association, as guaranteed under the Charter of Rights and Freedoms, and that's key. This bill will extend legislative protections to agricultural workers to ensure that their rights to form and join unions can be exercised in a meaningful way.

Before we introduced this proposed legislation we talked to the people it would affect the most—members of the agricultural industry, representatives of organized labour—and we heard that the Ontario agricultural employers value the relationship they already have with their employees, and that goes back to good relationships

between employees and employers. I think it's crucial to any organization, any business, to the province of Ontario and the country of Canada that we co-operate with one another in the best interests of all, that this province could prosper and create additional employment.

We've heard that it's important to treat all agricultural employees in a consistent manner—there's no question—in a consistent manner that's fair to all. We also heard that Ontario's agricultural production must not be vulnerable to the risk of potential labour disruptions. When you think of family farms and farms in general, they really just get one paycheque a year, and that's when they bring their crop in. That's key: they work 12 months of the year for one paycheque.

You can imagine the average person out there in Ontario if you said to them, "You're going to work all year, you're only getting one paycheque and that's only if you can bring your crops in." I think that's kind of crucial to what this legislation's speaking to. Here are these family farms that are investing huge amounts of money and time and effort into their farms to collect one paycheque, just one paycheque in a year. I think that's a very important fact.

When we drafted this bill, we remembered what we heard. So the proposed legislation before us today does respect individual and constitutional rights of agricultural employees while having regard to the unique characteristics of agriculture.

This proposed legislation would enable agricultural employees to (1) exercise their right to form and join an employees' association; (2) participate in the lawful activities of that association; (3) assemble; and (4) make representations to the employer through the employees' association.

So it is balanced. We talked about balance and I want to go back, because I believe that in the long run, if we operate the province of Ontario in a balanced fashion, if we look after everyone in the province of Ontario, that's fair and enables every individual an opportunity to succeed.

This proposed legislation would ensure that we could do all this free from interference, coercion and discrimination. In other words, the employees and the employer need to be free from interference, coercion and discrimination. I'll go back again: fundamentally, employees and employers have to get along, to co-operate, to work together, because that, in the long run, will provide unbelievable participation in the province of Ontario for individuals to grow, to create prosperity.

I want to emphasize that the proposed legislation contains no restrictions on an employees' association other than that the association has to be comprised of agricultural employees. That's pretty straight stuff. Employee associations can be comprised of agricultural employees from any number of family farms. They can be organized on any basis that the employees want. I think that speaks to balance. It could be a branch of another organization, including a branch or local of a union. A union or other organization could assist employees in forming an em-

ployees' association, whether the association was formed as a branch or a local of the union or other organization or as a separate association.

To be clear, while an agricultural employee may join an association that is a union, the proposed legislation does not extend collective bargaining to agricultural workers.

Also worth noting: while the proposed legislation is not about workplace health and safety—and we've heard it mentioned a few times. This isn't any part of the legislation that's being introduced, because health and safety are key to all businesses, regardless of whether they're farms or not. Above all, we believe that all workplaces should have those conditions of health and safety that protect everyone who might work there, enter the workplace or purchase goods in that workplace. Health and safety are the number one key, and I don't think anybody's arguing that fact. I believe that we all support the fact that all workplaces need to have health and safety as the number one key. This is directed at agricultural employees' rights of association. It would enhance the ability of employees and employers to communicate—that's co-operate, but communication is very important—about terms and conditions of employment, including any concern about workplace health and safety, which is key to any workplace. We all support a safe and healthy workplace; there isn't anyone who will argue against that case. Everybody believes that is the best way to run a business, to run a farm. No question about it; we all support that.

This bill would also provide recourse should an individual or an association believe that their rights have been contravened. It's right there in the legislation. It would give the Agriculture, Food and Rural Affairs Appeal Tribunal the authority—now that's a long tribunal word—to hear complaints about alleged contraventions of the act and to issue remedial orders. I think that's very clear. Should somebody not agree with what's happening, they can take their complaints or their concerns to this tribunal so that they can be heard and dealt with fairly.

The proposed legislation would also protect a farm's most valuable asset or assets, like land, livestock and crops—you can't not milk cows day after day. These are animals that need care. You just can't ignore them like a box of cereal on a shelf. These are animals that would notice the fact that nobody has walked into the barn for a month. I think this is a key part of this legislation, that it protects animals and livestock; and I think that's not lost on anyone—by recognizing an employer's right to control access to his property—not to prohibit access, mind you, but to control it.

Any person or group could apply to the Agriculture, Food and Rural Affairs Appeal Tribunal for access to the family farm property where agricultural employees reside for the purpose of encouraging the employees to join a union. When dealing with such applications, the tribunal would take into consideration human health and safety—which I don't hear anybody arguing; I believe everybody supports it, and I firmly do—normal agricultural prac-

tices, animal health and safety, which I just spoke to, and plant health, planting and harvesting, biosecurity needs, and privacy or property rights. These are essential considerations to ensure that normal agricultural operations are not unduly interfered with.

1740

The proposed legislation would protect the rights of Ontario's agricultural employees. I know the member for Timmins-James Bay fundamentally does not agree with this legislation. He has been very clear in his thoughts and has articulated very well where he stands. I respect that. I respect that the NDP platform is very clear. We hear that day in and day out here.

Having said that, on our side, we're concerned about the family farm. We're concerned about the fact that our society sometimes believes food comes from supermarkets. As we move to this economy where we're rushed and always going places, taking kids to hockey or to soccer, all of a sudden supermarkets become where we think food comes from.

Unfortunately for farmers, individuals in our society sometimes don't see how hard they work, the long hours they put in to be able to put their product in those stores so as to collect one paycheque a year. That's very important from our point of view. I think of a family farm where the mother and father and the kids go out and work, and they're depending on that one paycheque to get them through the whole next year for their schooling, their clothes, and to pay the mortgage and credit card bills like the rest of us all have to. I think it's key. We have to at least take that into consideration.

As I said, the proposed legislation would protect the rights of Ontario's agricultural employees. The proposed legislation would also recognize the unique characteristics of Ontario's agricultural operations. This proposed legislation is careful and appropriately balanced.

I have spent a lot of time going over this bill, preparing my notes, listening to the debates we've had in this Legislature, and talking to farmers in my area, the wonderful riding of Nipissing. I heard very clearly that these family farms depend on that one paycheque to get through. I can't imagine anyone wanting to take that one paycheque away from a family that's worked all year, that needs it to send their kids to school, to put clothes on their back and provide food for the table.

I would like to encourage all those who are watching today, when they go shopping next week, to buy products made in Ontario. That will help not only the family farms in Ontario, but the employees who are employed by these family farms. In the end, it's important that we look after the residents of Ontario. That's why we stand here today, that's why we're proud to be MPPs in Ontario, because we stand for the people of Ontario and we want to see what's in their best interests.

The Acting Speaker: Comments and questions?

Mr Phillips: I'm pleased to comment on the member's remarks. The Liberal Party position on this is very clear. We are supportive of the family farm. We think the bill is negligent. We think there's a part missing from the

bill. We've said we're supporting this bill because it's either yes or no. In those facilities where there are a significant number of workers in essentially a factory farm, there should be the right to organize.

I must say I'm always intrigued by the NDP, because I know they're going to be knocking on family farm doors and saying, "Don't you worry." What the NDP says is, "We know the family farm won't be organized, so don't worry about it. Make it possible to do it, but it won't happen." You can't have it both ways. You can't suck and blow, as somebody said. You've got to kind of give your head a shake, an expression I've heard often from one of the members.

To the member who spoke, we abstained when this was introduced for first reading. I would just say to the public, and I hope the public recognizes this, that none of the members of the Legislature, apart from the minister—maybe the critics get the bill for about one minute—has seen the bill when it's introduced. So you get into this position where, if you vote in favour on first reading and decide after you look at it that you're against it, people say, "Oh, there you go, changing your mind."

I actually think the Legislature should look at the rules we operate by around here. I have no difficulty in saying that yes, we abstained when the bill was introduced. None of our caucus had seen the bill. Perhaps the critic had seen it for one minute. I think the public understand that things have to happen a little bit differently. They want some thoughtful work around here, not necessarily pure politics.

Ms Shelley Martel (Nickel Belt): It's a pleasure for me to participate in the debate. I want to make some remarks on the comments made by the member for Nipissing.

The member spent some time talking about the rights the bill provides. He talked about the right to form associations. I want to remind him that we don't need this statute. No one needs this statute, agricultural workers in particular, to form an association. They can do that now. They can do it under the Charter of Rights and Freedoms. They don't need your statute to give them that. It's a fallacy to tell the public they need this statute to give them that. It's a right they already have.

What we should be talking about here is the right of these folks, agricultural workers, to form trade unions and bargain collectively, because then they would get some real rights to deal with wages and salaries and overtime, and to deal with health and safety. Isn't this a sector of the economy where over 1,000 people are killed every year because there are inadequate health and safety standards? By God, if they had a trade union and had some rights to actually put health and safety in place, some of those people might not have gotten killed, and maybe we can protect some of those workers in the future.

I don't buy the argument that we're here trying to protect the family farm. Please, no one wants to organize a mom-and-pop operation, or mom and pop and some of their relatives. And you know what? When our legis-

lation was enacted, no one did try to organize the family farm. We have had some experience with legislation dealing with agricultural workers having a right to collectively bargain and form a trade union. In the period that legislation was in place, no one tried to organize a family farm. We're talking about mushroom workers, canning workers, 200, 300 or 400 who work in big corporate factories. By God, they should have a right to be organized to protect their interests.

CORRECTION OF RECORD

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): On a point of order, Mr Speaker: I want to correct the record. During question period, I may have left the impression that Toronto Hydro was not ready for market opening. Toronto Hydro had a choice of billing approaches that were approved by the regulator, the Ontario Energy Board, and they chose, which was their choice, to adopt a fixed-reference price system and not the spot price past-year system. Toronto Hydro was completely ready for the market opening. I wanted to ensure that was on the record. We have a great relationship with them, and it was important for me to do that.

AGRICULTURAL EMPLOYEES PROTECTION ACT, 2002

LOI DE 2002 SUR LA PROTECTION DES EMPLOYÉS AGRICOLES (continued / suite)

Mr Cordiano: I rise again because it's absolutely critical to reiterate what I said earlier with respect to my friends in the third party and their seeming avoidance of discussing the family farm and the importance it has in our economy. They continue to make the claim that somehow the family farm will not be organized, that if there were legislation in place such as they had when they were in power, the family farm would not be unionized, that it would not lead to that kind of effort by unions.

Be that as it may, the fact is that if there isn't a problem, if there wasn't a problem that this would happen, that this would end up being the case, then why the difficulty in putting it in legislation, which is what we would advocate?

1750

I say again, as a party, we would bring forward additional measures in legislation that would recognize that there has to be an exemption for the family farm. What's wrong with reasonableness? What's wrong with moving forward in a moderate view to recognize the realities that exist in our society? What's wrong with distinguishing between what is the reality and what is some sort of philosophical notion about what society ought to be like?

There's nothing wrong with exempting the family farm. There's nothing wrong with granting that exemption, and it is achievable and it is practical to recognize that in legislation.

I say to my friends in the NDP, when you speak to people on the family farm, make certain you tell them you are against any kind of exemption for them in the future under legislation.

Mr Kormos: Like a few of the other people who have spoken to this, I've been around here and recall the 1994 legislation and the 1992 study papers that led up to it. You will recall that representatives from the agricultural industry rejected the NDP offer to have statutory distinctions between the family farm and agricorp, big factory-style farming, because they wanted to be able to continue to bang the drum of the family farm.

What I find interesting about the comments of my very good colleague who just spoke—well, firstly, I've got to tell you, yes, he's right. We don't get the bill a whole lot of time in advance of first reading, but it's not a very long bill. You're right; we only had it around a couple of minutes before the first reading vote and, by God, I read twice in that two minutes because it's not a long bill. When I saw rights being limited to—

Interjection.

Mr Kormos: I'm telling you, when I saw rights being limited to being able to associate, to being able to form a club, sort of like the Mickey Mouse Club or any other kind of club, I went, "Boy, this isn't the kind of legislation I want to support. No way." Bingo, I can vote against this sans hésitation, as they say in Timmins-James Bay. No problem whatsoever. It doesn't take a whole lot of time—I read it twice before the first reading vote came around. No problem opposing it.

But fair enough, the Liberals have decided to support it. I understand, it's loud and clear, but then the Liberal rationale saying there should be an exemption for the family farm contradicts their support for the bill because the bill doesn't exempt the family farm from farmers' associations. Clearly, if the Liberals have an agenda, they should be defeating this bill and pursuing their agenda.

The Acting Speaker: The member for Nipissing has two minutes to respond.

Mr McDonald: I'd like to thank the members from Scarborough-Agincourt, Nickel Belt, York South-Weston and Niagara Centre for joining in the debate. I must say that the member from Niagara Centre probably has a long career in entertainment when he decides to hang up his hat here in the Legislature because when he gets on his soapbox, he can be very entertaining and very colourful in his comments.

As I said earlier, this legislation's all about balance. It's about employees being treated well. It's about employers being able to bring their crops in and receive that one paycheck. But let's all agree that farmers are our friends. Farmers are the ones who produce safe, healthy products for all of us, create employment in Ontario and help us to be a self-sustaining province.

Let's all admit this: we live in the greatest province in Canada. I think we all agree we do. As I said, we need to work together and look at this situation. I think this is what this debate is all about. It's a very healthy debate. We're very clear where the NDP stands and we're very clear where this side of the House stands. We are on the side of the family farmers who are going to produce the

products we all get to enjoy at a reasonable price that we can all afford.

The Acting Speaker: It being almost 6 o'clock, this House stands adjourned until 6:45.

The House adjourned at 1756.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

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Etobicoke-Lakeshore	Kells, Morley (PC)		
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Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
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		St Paul's	Bryant, Michael (L)
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			Cleary, John C. (L)
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Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Thornhill	Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
	Patten, Richard (L)		McLeod, Lyn (L)
Ottawa Centre / -Centre	Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	Gravelle, Michael (L)
Ottawa-Orléans	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	
	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
		Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Ottawa South / -Sud		Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
		Toronto-Danforth	
Ottawa West-Nepean / Ottawa-Ouest-Nepean		Trinity-Spadina	Churley, Marilyn (ND)
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Oxford	Hardeman, Ernie (PC)	Waterloo-Wellington	Sorbara, Greg (L)
Parkdale-High Park	Kennedy, Gerard (L)	Whitby-Ajax	Arnott, Ted (PC)
Parry Sound-Muskoka	Miller, Norm (PC)		Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Perth-Middlesex	Johnson, Bert (PC)		Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Peterborough	Stewart, R. Gary (PC)		Pupatello, Sandra (L)
Pickering-Ajax-Uxbridge	Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances		Duncan, Dwight (L)
			Kwinter, Monte (L)
Prince Edward-Hastings	Parsons, Ernie (L)		Munro, Julia (PC)
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)		Cordiano, Joseph (L)
Sarnia-Lambton	Di Cocco, Caroline (L)		
Sault Ste Marie	Martin, Tony (ND)		
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)		
Scarborough East / -Est	Gilchrist, Steve (PC)		
		Windsor West / -Ouest	Sergio, Mario (L)
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		York Centre / -Centre	
		York North / -Nord	
		York South-Weston / York-Sud-Weston	
		York West / -Ouest	

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Thursday 24 October 2002

PRIVATE MEMBERS' PUBLIC BUSINESS

Clean air plan

Mr Cleary	2423, 2430
Mr Bisson	2424
Mr Galt	2426
Mr Lalonde	2428
Mr Dunlop	2428
Mr Bradley	2429
Mr Sorbara	2430
Negated	2439

Hydro deregulation

Mr Christopherson	2431, 2438
Mr Tascona	2432
Mrs Bountrogianni	2433
Ms Churley	2434
Mr Wettlaufer	2435
Mr Ruprecht	2436
Mr Prue	2437
Mr Bradley	2437
Negated	2439

MEMBERS' STATEMENTS

Immigration policy

Mr Ruprecht	2440
-------------------	------

Highway 406

Mr Kormos	2440
-----------------	------

Celebration of the arts in York region

Mrs Munro	2440
-----------------	------

Dofasco Inc and Hamilton Police Service

Mr Agostino	2440
-------------------	------

Brock University

Mr Maves	2441
----------------	------

Member for Mississauga West

Mr Smitherman	2441
---------------------	------

Oliver Gaffney

Mr Johnson	2441
------------------	------

Government's agenda

Mr Duncan	2441
-----------------	------

Road safety

Mr Stewart	2442
------------------	------

FIRST READINGS

Fire Prevention Week and Firefighter Recognition Day Act, 2002.

Bill 194, <i>Mr Wood</i>	
Agreed to	2442
Mr Wood	2442

MOTIONS

Private members' public business

Mr Stockwell	2442
Agreed to	2443

ORAL QUESTIONS

Hydro rates

Mr Bryant	2443
Mr Baird	2443

Global warming

Mr Bradley	2443
Mr Clement	2444
Mr Stockwell	2444, 2445
Ms Churley	2444

Nursing homes

Ms Martel	2446
Mr Newman	2446

Clean air plan

Mr Peters	2446
Mrs Johns	2446

Foster families

Mr Johnson	2447
Mrs Elliott	2447

Pickering nuclear generating station

Mr Conway	2448
Mr Baird	2448

Small business enterprise centres

Mr Gill	2448
Mr Turnbull	2448

Agricultural labour policy

Mr Kormos	2448
Mrs Johns	2449

Transit services

Mr Colle	2449
Mr Sterling	2449

Health care

Mr Spina	2450
Mr Clement	2450

Kyoto Protocol

Mr Kwinter	2450
Mr Flaherty	2451

Ontario Medal for Good Citizenship

Mr Maves	2451
Mr DeFaria	2451
Mr McDonald	2451

Senior citizens

Mr Christopherson	2452
Mr DeFaria	2452

PETITIONS

Competitive electricity market

Mr Ruprecht	2452
-------------------	------

Hydro rates

Mr Agostino	2452
-------------------	------

Long-term care

Mr Agostino	2453
Mr Ruprecht	2454
Mr Christopherson	2454

Province of Ontario Savings Office

Mr Christopherson	2453
-------------------------	------

SECOND READINGS

Agricultural Employees Protection

Act, 2002, Bill 187, <i>Mrs Johns</i>	
Mr Kormos	2455, 2456, 2458, 2462, 2472, 2476
Mr Barrett	2456, 2458, 2462
Mr Chudleigh	2456, 2459, 2465
Mr Bisson	2458, 2461, 2465, 2467, 2469, 2473
Mr Colle	2459, 2462, 2468, 2472
Mr Phillips	2462, 2465, 2468, 2475
Mr Galt	2463, 2465
Mr Cordiano	2464, 2466, 2468, 2472, 2476
Mr Klees	2468
Mr McDonald	2472, 2473, 2476
Ms Martel	2475
Debate deemed adjourned	2477

OTHER BUSINESS

Visitors

The Speaker	2447
Mr Colle	2452
Mr Sergio	2455

Business of the House

Mr Stockwell	2453
--------------------	------

Correction of record

Mr Baird	2476
----------------	------

TABLE DES MATIÈRES

Jeudi 24 octobre 2002

PREMIÈRE LECTURE

Loi de 2002 sur la Semaine de prévention des incendies

et le Jour de reconnaissance des pompiers, projet de loi 194,

M. Wood

Adoptée

PETITIONS

Services de santé pour enfants

M. Lalonde

DEUXIÈME LECTURE

Loi de 2002 sur la protection des employés agricoles,

projet de loi 187, *M^{me} Johns*

Débat présumé ajourné

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Government
Publications



No. 48B

N° 48B

ISSN 1180-2987

Legislative Assembly of Ontario

Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 24 October 2002

Jeudi 24 octobre 2002



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 24 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 24 octobre 2002

The House met at 1845.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): Mr Speaker, may I ask for a five-minute recess before we call orders of the day, on the guarantee that I don't lose my sessional day?

The Acting Speaker (Mr Bert Johnson): We will have a five-minute recess.

The House recessed from 1845 to 1850.

ORDERS OF THE DAY

HIGHWAY TRAFFIC AMENDMENT ACT (EMERGENCY VEHICLE SAFETY), 2002

LOI DE 2002 MODIFIANT LE CODE DE LA ROUTE (SÉCURITÉ DES VÉHICULES DE SECOURS)

Mr Stockwell, on behalf of Mr Runciman, moved second reading of the following bill:

Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle / Projet de loi 191, Loi modifiant le Code de la route afin de garantir la sécurité des véhicules de secours arrêtés sur une voie publique et celle des personnes qui se trouvent à l'extérieur de tels véhicules.

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the Minister of the Environment and Government House Leader.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): I move second reading of Bill 187, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle.

The Acting Speaker: Mr Stockwell moves second reading of Bill 187.

Hon Mr Stockwell: On a point of order, Mr Speaker: I seek unanimous consent for tonight to count as a sessional day if we split one hour of time equally among all parties and also defer all leadoff speeches for all parties.

The Acting Speaker: Is it agreed? It is agreed.

The Chair recognizes the Minister of the Environment.

Mr Peter Kormos (Niagara Centre): Is it 187 or 191?

Hon Mr Stockwell: The order is 191; the bill is 187.

Interjection: No, it's 191.

Hon Mr Stockwell: Sorry, it's 191. My fault. Why did I say 187?

The Acting Speaker: I don't know why you said 187, but I did too. I want to correct it. It's Bill 191.

Hon Mr Stockwell: I apologize to the House leader for the third party and to the opposition. I did say 187, and it is written as 187, I say to my crackerjack staff.

Mr Rob Sampson (Mississauga Centre): Sure, the waiter always blames it on the kitchen.

Interjection: Assume responsibility.

Hon Mr Stockwell: OK, I assume responsibility. Consider my speech spoken.

The Acting Speaker: Further debate?

Mr Mike Colle (Eglinton-Lawrence): On a point of order: My understanding is that we were going to do the Highway Traffic Amendment Act?

Hon Mr Stockwell: That's what it is.

Mr Colle: OK. And you've got it down as 191?

Hon Mr Stockwell: 191.

Mr Colle: OK. Thank you. In speaking to this amendment to the Highway Traffic Act, I'll try to ensure that we're able to get some of the key points of this legislation before the public, to ensure they're aware of its implications.

As you know, this seems to be a piece of legislation that will enhance and be a positive aid to emergency workers in their duties in the daily performance of emergency work, especially on our highways, which are very demanding places to work. It will, I guess, deal primarily with police officers who patrol our highways—the OPP on the 400-series highways and certainly on other major arterial roads—where if an emergency vehicle stops and the lights are flashing, a passing motorist has to slow down.

We do support this bill, because I think it is another way of ingraining in the minds of motorists that they do slow down in situations where there may be some potential for hazard. The question is, how much do they slow down? The legislation doesn't prescribe an actual speed, but it does make sense, according to the Ontario Provincial Police Association, that probably a 10- to 15-kilometre-per-hour slowdown would suffice.

The legislation attempts to send a message, and that's why we support it. It sends a message to drivers that they are supposed to display caution in terms of an accident. I know, from driving on our roads, that it's becoming more and more apparent that we don't really know the rules of the road. One of the most common things we witness—I'm sure all of you witness it every day—is that when an

ambulance, an EMS vehicle, goes down a street, invariably, on every occasion, it seems there is a driver in front of you who doesn't know enough to pull off to the right and stop. As I say, it's almost without exception that you will get a driver who keeps on driving, a driver who doesn't pull over, drivers who don't even dare slow down as they hear the siren on our streets. I think that's an example of where we have to give the people who are driving on our roads a better sense of what the rules are.

There are rules in terms of speed limits and rules in terms of making illegal turns and certainly in terms of flashing your indicators when you make a turn. All these are rules that we think are part of standard procedures that motorists should know automatically. But, again, this bill recognizes that in many cases we can't assume that people know what to do. This bill, I think, is attempting to put out a very strong message that if you don't slow down when an emergency vehicle is attending to a situation on the shoulder of the road, you will be subject to a fine. The fine can be between \$400 and \$2,000 for the first offence, from \$1,000 to \$4,000 for subsequent offences and, if this persists, repeat offenders can have their licences suspended. The legislation attempts to not only send a message, but also hits you in the pocketbook if you're caught not slowing down as an emergency vehicle is attending to a situation—and it could be a variety of situations. It could be a car having a mechanical problem and a police officer sometimes will pull over and attend to that. It's not only a situation where maybe a police officer is attending to someone getting a ticket.

There are some questions in the legislation that I hope are worked out. If it says you must slow down, that assumes people are going the speed limit. In other words, if someone is doing 150 on the 400, is it adequate to slow down to 140 kilometres per hour? It is quite common now on our major thoroughfares—I'm sure you've seen it in various parts of Ontario—for people regularly to 150 kilometres per hour. They do that at their own peril, but they are doing it. I just hope that somehow we can get the message to these people that if they come anywhere near an accident, please don't just slow down 10 kilometres an hour—they're not supposed to be doing 150 anyway—slow right down and don't think that going by a potential accident scene at 130, 120 or 100 kilometres an hour is sufficient. I don't know how they are going to word it, or if there are going to be regulations or an education campaign, but that is the concern I have.

We hope to make some suggestions to make sure this is done right, because we understand the minister's attempt here to aid our emergency personnel as they are doing their work. I just hope they'll have an opportunity to have a round table on this to look at different ways and forms of making sure this is implemented in a way that's rational, understandable and fair.

I think maybe part of this legislation will be a reminder to people that on our highways it is also critically important to remember that in some cases if there is anything on the side of the road, the opposite of slowing

down—as you know, if there's an accident or some kind of unusual event, everybody will slow down much more than usual, to the point that they cause a massive traffic jam and people get frustrated and pass people because they're gawking at the fact there is a chicken or something on the shoulder. So that's another thing. When you're on the highway, it's very important to understand that there are thousands of people behind you, and whatever you do will potentially affect thousands of people behind you.

1900

The intent of this bill is more to respect the fact that our firefighters, ambulance personnel and front-line police officers, in many cases, risk their lives on the shoulder of the road. I can remember two police officers in 13 Division—it was near Lawrence Avenue—who got out of their cruiser. I think it was Constable Ojo and another officer who is now retired. They got out to help someone and, wouldn't you know it, they were hit. Luckily it wasn't serious, but this was right in the middle of the city of Toronto. As they were getting out of their car to help someone, some other driver hit the car and did serious damage to the police cruiser and both police officers were hospitalized. This was a routine thing at normal speeds within the city limits. So you can imagine police officers or emergency personnel getting out of their car and somebody going 100 kilometres an hour and not slowing down and maybe not paying attention. They risk their lives every time they stop to help someone in need or perform their normal functions.

I think that in the last horrific couple of weeks we've seen on a regular basis on TV the onerous and incredible pressure put on our front-line officers—just looking at the situation in Maryland and Washington and what they've gone through in the last couple of weeks in trying to do their job in the most horrific of stressful situations. Thankfully—and I'm sure all Canadians will say they are breathing a sigh of relief too—it seems they may have captured the alleged snipers in the killing and wounding of those 10 or 11 innocent Americans in the Beltway.

We've seen the amount of pressure police officers, whether they are American or Canadian, and emergency personnel on both sides of the border are under when they are doing their work. They cannot afford the luxury of working at half speed. When they get out of their cars when they stop someone or pull over to assist someone, they generally do it very quickly. They respond quickly. They don't have the luxury of slowing down to make sure nobody is coming behind them. They sometimes have to react instantaneously, and this is why I hope people begin to slow down as soon as the lights flash.

I think that maybe the best message of all is that we should all be thinking of that. Once we see those flashing lights or hear the siren, whether it be a fire truck, an EMS vehicle or a police vehicle, I would think the simple axiom would be that it is time for us to slow down; there is something going on and we can't continue to go at normal speeds. Whether you're in the city limits or out on a country road, if a vehicle is sounding its siren,

moving or stationary, slow down to make sure you are not endangering the lives of personnel who are trying to do their jobs or, in many cases, trying to prevent someone from being injured or rescuing someone. These are some of the things I think we can maybe extrapolate from this bill that will go beyond just the focus of this bill.

I think the honourable member from London, Frank Mazzilli, originally talked about this. He was in the police force in London and understands this and is very attentive to this legislation because he knows the value of it. I appreciate his attention to this legislation, because he was there and he knows what has to be done and why we have to protect front-line police officers.

This bill seems to be generally supported by the professionals. I would hope that in the final details we consult not only with the police forces—and I see the former Solicitor General there. Maybe he'll take the message to Mr Runciman that we consult with EMS stakeholders and also the firefighters and other emergency personnel stakeholders so that, if there are regulations to follow with this bill, he includes them in the discussions on how to deal with the situation of pulling over, as much as it would entail their input. I would welcome that kind of initiative on behalf of the Minister of Public Safety and Security, as the former Solicitor General is called.

More and more initiatives like this are needed to make our highways and roads safe, not only for our personnel but for the thousands and thousands of people who sometimes literally underestimate the dangers and responsibilities, the instantaneous consequences of making mistakes, we have when we're on the highways. We drive so much that we sometimes forget and become immune to the responsibilities we have to our fellow motorists who share the roads with us, to the emergency personnel and also to our passengers and ourselves. I would think other initiatives are needed that could enhance public awareness about the responsibility of appreciating the fact that we are not on the roads on our own. When we're on the highway we have to always be on the defence, always anticipating, always looking out, and also sending out messages to young people about driving a car, being in a car.

I should give a plug for our motorcycling community. A lot of people who are motorcycle riders will tell you that too often motorists do not give them the respect they should or pay attention to the fact that they have a right to be on the road too. They open doors, they cut motorcyclists off—and also cyclists, but motorcyclists complain continually that people who are in cars sometimes do not take into account that a motorcycle has the same rights and privileges on the road as a motor vehicle. I think they deserve that kind of attention because, even though they are wearing their helmets, they are much more vulnerable than those in a car. If they fall off a motorcycle, the injuries could be extremely serious—I think whatever we can do in terms of public service announcements, in terms of reminding students in high school especially that laws like the one we're debating here today have to include them in order to work.

It's going to be difficult to have a police officer in some cases being able to enforce this law. You're going to have to have another cruiser or another motor vehicle perhaps catching the person who didn't slow down. That's going to be a bit difficult, and I'm not sure how that's going to work. That's why I think sometimes the power of sensitivity education is much more powerful than the threat of a fine.

1910

We definitely need to let people know that it's not as if you drive a certain way because you can avoid being detected or avoid getting a fine and you can speed up on the highway as much as you want because nobody is watching you. I think we need to put some sense of responsibility on people that when you're on the road, you have this very serious responsibility. I think all of us have to be reminded of that. None of us is without fault in terms of our driving.

I know the member from St Catharines is here. He is constantly on the wonderful QEW, driving at the speed limit or usually below the speed limit, going back and forth to the Garden City, on his way to Port Dalhousie. He will tell you that he sees some pretty strange and unusual things on our highways and byways, especially in the Niagara Peninsula, where people sometimes are very frustrated with those continually gridlocked roads that are not a good tonic for motorists.

I want to say that as a party we support the initiative. We think, hopefully, that there should be some more development of the enforcement processes and the stakeholder input on this so that it becomes a good, strong piece of legislation that helps front-line people—in this case I think it's mostly going to be police officers—do their job in a safer way, to make sure they come home at night and are not injured because someone was careless and going too fast as they were trying to help someone by the side of the road.

The Acting Speaker: We're going in clockwise order. Further debate?

Mr James J. Bradley (St Catharines): Mr Speaker, on a point of order: I just wanted to indicate that had there not been agreement on the speaking order this evening, I would have felt compelled to speak in favour of this piece of legislation, which I think is very progressive.

The Acting Speaker: I don't think that's a point of order, but nevertheless it has been said.

Further debate?

Mr Kormos: Speaker, you will recall that when the bill was introduced for first reading I responded to the ministerial statement, and we responded in a positive way to the intent, to the spirit of the legislation. But one of our jobs here is to make sure that a bill like this, which everyone agrees serves an important public purpose, is properly drafted to ensure it does what it says it's going to do. I've read this bill very carefully since its introduction, and I've got a number of concerns.

I agree with every other speaker who would speak to this that the process of a police officer pulling a car over—first, you've got to forgive me because, down

where I come from, when we see a police car on the right-hand side of the road with the red lights turning, we slow down. What kind of idiot is going to carry on at the same rate of speed, quite frankly? Having said that, it's clear that there are those kinds of idiots on the roadways. I understand it's an extremely dangerous proposition for a police officer to be on the shoulder of a road—I'm referring to the right-hand shoulder; it could be the left-hand on a one-way portion of the highway—to be doing what he or she has to do in terms of attending to a car that has been abandoned or a car that's in distress, or doing ticketing and so on. Police officers have been killed; no two ways about it.

Clearly, the intent is to have motorists approaching those types of scenarios do certain things to reduce the level of risk to the police officer. I'm concerned about the requirement "shall slow down and proceed with caution," especially when it's qualified, "having due regard for traffic on and the conditions of the highway and the weather." I know what the drafter is getting at. Clearly, the argument is that if it's a snowy, wet, slippery road, slowing down means slowing down that much more than you would slow down on, let's say, a dry, well-lit piece of pavement. But one of the problems in terms of enforcement of this legislation is going to be the requirement that you merely slow down without an indication as to slowing down to what speed. If we're going to have a piece of legislation, we'd better make sure that it's effective. I, quite frankly, at the moment—

Interjection.

Mr Kormos: No, Mr Bisson. I, quite frankly, at the moment, can't believe that this legislation can't be improved to make it more enforceable. I'm not just talking about the point—because you've already canvassed the area. A lot of the time, I suppose one of the reasons people are foolish enough to speed past a police car that's parked with its red lights going is that they figure that police car is not going to be moving from what it's doing. But there are scenarios where you've got multiple police cars—for instance, in the investigation of a motor vehicle accident, where cars are pulled over by the side of the road. I really am concerned about the requirement that you slow down and proceed with caution, because I submit that could be regarded as insufficiently precise; that is to say, imprecise enough so as to not be enforceable. That's a problem.

The other area is that because it makes reference to emergency vehicles under section 62 of the Highway Traffic Act. Of course, I took a look at section 62 of the Highway Traffic Act. Understand that this doesn't apply to all emergency vehicles. I'm interested, and I wish the Minister of Public Safety were here, because I'd appreciate his response and guidance in this regard. The bill is restricted to vehicles showing red lights. Clearly, that includes ambulances, police vehicles and fire vehicles. Should this legislation include amber-lit vehicles like tow trucks? We used to have them in Ontario before 1995. Do you remember that, Speaker? Remember before 1995, if you were travelling on the Queen Elizabeth Way or on

the 401, there would be yellow Ministry of Transportation vehicles travelling back and forth on the Burlington Skyway? They were particularly welcome because from time to time some poor, hapless soul from Niagara would run out of gas literally right on the crest of the skyway and, before 1995, there were the Ministry of Transportation roadside emergency vehicles that would actually—it's true—give you a gallon of gas to get you on your way down into Stoney Creek to gas up.

I'm simply asking the author of the bill, if the bill is only intended to apply to red-flashing-light vehicles—police vehicles, ambulances and fire trucks—then fine, but I'm submitting that the same safety considerations are there for a tow truck operator, for the CAA woman or man who's come to my assistance so many times, usually on the highway, the QEW, from Toronto to Welland. I don't want to admit that it's because I've run out of gas, but I have from time to time, among other things, be it a battery boost or any number of things. Again, it's incredibly dangerous, I acknowledge, for the police officer, but it's also incredibly dangerous for the tow truck operator. I don't want to diminish our concern and interest in the safety of police officers, firefighters or ambulance workers.

The restriction that it's a red light—because of course, as you know, these other road safety vehicles don't flash red lights; they flash yellow, amber or orange lights. Go that one step further. This Legislature some time ago authorized volunteer firefighters to use green lights in their vehicles to facilitate volunteer firefighters going to and from where they're required to be. Are we contemplating any legitimate vehicle that is serving a function, be it a red, amber or green light, and should that be the vehicle for which an oncoming vehicle has to slow down and/or move over a lane?

I'm saying these are legitimate concerns. If the author of the bill can tell me the bill was never intended to include tow truck operators or other people who provide assistance along the roadside and very much put themselves into a similar sort of danger as police officers, then fine. So be it. The government, of course, has carriage of bill. It can move ahead with it as it wishes.

The other concern is the business of "slow down and proceed with caution, having due regard for traffic on and the conditions of the highway and the weather." Arguably, and however wacky this sounds, that means if I'm approaching a police vehicle stopped with its red lights flashing, doing whatever that police vehicle is doing with another vehicle on the shoulder or on a lane-way, and I'm doing 120 clicks, if I slow down to 100, I've slowed down, and if I haven't caused an accident or caused any swerving, for all intents and purposes I have proceeded with caution. I think that's an incredibly subjective standard to apply.

1920

I know what the intent is of the legislation. I know what the bill is getting at, and New Democrats support entirely what the bill is getting at. That's why I suggested the other day that maybe this is the sort of thing that

should have some brief but thorough committee consideration. I'd like to hear from police officers whether they think it's imperative that this be restricted to red-light vehicles—to wit, firefighters, police officers, ambulances—or whether they would agree that an amber- or orange-light, along with green-light vehicles, should also be contemplated.

I would also dearly like to know from police officers whether they regard the subjective requirement that you "shall slow down and proceed with caution, having due regard for ... the conditions of the highway and the weather," as a sufficient standard that would enable a clear violation for the purpose of prosecution. Because the penalties are significant, you can bet your boots that anybody served with an offence notice under this offence is going to defend it, and if all we're doing is causing grief for prosecutors in our provincial courts with a law that can never be applied except in the most extreme circumstances, we're not doing those emergency vehicles or their operators any good whatsoever.

How many times have we seen in this Legislature an effort on the part of somebody or other to want to accelerate a bill through second and third readings without any debate? We saw it with respect to this bill. It was a Tory backbencher who stood up and wanted second and third readings in one fell swoop, without any debate. I say that would have been regrettable. My concerns about the bill may be met with a response by the minister saying, "So what? We want the bill in that form anyway." At that point, since the government has the majority, I'll have to say, "so be it. If that's what you want, that's what you're going to get. That's what you're entitled to, because that's what you're empowered to."

But I'm saying that if this is more than a public relations exercise with the police, firefighters and ambulance workers, then let's make this bill work right. I'm not aware of other jurisdictions that use this exact same model. There may well be. There may well be experience in other jurisdictions that use this exact same wording. I'm not aware of it. I'd very much like to hear about it. I invite the Minister of Public Safety, Mr Runciman, or one of his parliamentary assistants, to talk to me about this and either concur that there are some legitimate concerns about the way the bill is drafted, or that the government doesn't care whether there are concerns with how it's drafted and is ready to drive through with it in any event.

I've got to tell you, these are not leadoff speeches this evening. It's Thursday evening and we're doing effectively what are the 20-minute follow-up speeches. Our member from Timmins-James Bay is looking forward to speaking on this bill for an hour. Our member from Timmins-James Bay, who is the transportation critic, is eager because he by and large has carriage of bills that deal with Highway Traffic Act amendments. He is looking forward to his one-hour leadoff speech. I know he has a lot to say about this bill, this legislation.

You've heard the sorts of things that cause me concern and that cause me to suggest that this matter go to committee.

I also want to point out that there could well be some—I'm glad the Attorney General is here, because he knows all about this stuff. The Attorney General may be able to answer this here and now.

Mr Frank Mazzilli (London-Fanshawe): He agrees with you.

Mr Kormos: Be careful.

In the event that there is, let's say, a charge of careless driving laid along with this charge, could the two charges stand?

Mr Mazzilli, of course, who has had a great deal of experience—

Interjection.

The Acting Speaker: Member for London-Fanshawe, come to order. The Chair recognizes the member for Niagara Centre. I'm sorry to interrupt.

Mr Kormos: Thank you, Speaker, but I assure you, Mr Mazzilli wasn't being a bother. As a matter of fact, he was quite amusing. Mr Mazzilli spent a lot of time in court and may, before he's an old man, spend a lot more time in court. You never can tell.

I am interested in how this would conflict, for instance, with a charge of careless driving that accompanies the same incident. I'm also interested in whether the charge of careless driving is an appropriate charge and whether or not that charge has ever been laid in circumstances where people are zooming past police cruisers that are stopped with a pulled-over vehicle, either giving a ticket or not.

One of the things I've been told is that, for instance, on Highway 401 where it's multiple lanes, four, five, six lanes—my own experience tells me this, and I trust other people's as well—when traffic is zooming along there at speeds well in excess of 100 kilometres an hour during rush hour, it's virtually impossible for a police officer to pull you over in any event. It simply can't be done without causing great risk to the police officer himself or herself and to other vehicles on the highway.

That's why I'm curious about this government and its abandonment of speed photography, photo radar on the highways. During the course of any committee hearings permitted around Bill 191, I would surely appreciate hearing the Solicitor General, now Minister of Public Safety and Security, address the matter of photo radar once again.

This government has embraced photo radar. This government just presented a bill, which is still in the midst of second reading, that endorses, that approves, that permits, that advocates photo radar for the purpose of catching people going through red lights at intersections. It seems to me that what's good for the goose is good for the gander. I, for the life of me, can't understand why the government would say, "Oh, photo radar's OK here, but it's not OK there."

I recall the province's brief experience with photo radar. I should tell you I had some concerns and criticisms about photo radar, and I'll tell you what they are in just a minute. But the reality is that when photo radar was set up, especially on the 401, which is where I

was most familiar with its application, I anecdotally noticed a marked reduction in speed. The minute photo radar was repealed, yanked, I saw that speed accelerate once again to extremely high limits.

At the end of the day, it's not speed in and of itself, though granted, when you have an accident at a high speed, it's going to be far more catastrophic than when you have an accident at a low speed. It's speed combined with drunk driving, combined with bad driving, combined with mechanically impacted motor vehicles—bad tires, bad tie rod ends, bad brake systems, what have you—that causes accidents. At the end of the day, the most significant factor, I'm convinced, is bad driving and bad driving habits, people weaving in and out, bobbing in and out while they are at the same time doing a high rate of speed.

Surely tailgaters have to tick you off, travelling to and from where you live, Speaker, people who crawl right up behind you. You can tell the colour of their eyes in your rear-view mirror. You're cruising along at 125 kilometres and here you've got some dough-head right up behind you. As I say, you can tell the colour of his eyes; you can count his or her eyelashes. If there's anything more dangerous than that, I don't know what it is. Or if you're not tailgating, then some dough-head cuts in—you're trying to keep an appropriate spot between you and the car ahead of you; you read the manual and you're keeping however many car lengths for each 10 miles per hour, and then some moron cuts in front of you to fill up the space. And there you go, you're no further ahead.

I've only got three minutes and 30 seconds left for these brief comments to this bill.

This bill should go to committee. The bill can be improved. The purpose and intent of the bill is adopted by everybody in this Legislature. We're going to support the bill on second reading. We're going to have a little debate over it first. Mr Bisson from Timmins-James Bay is going to utilize his hour to full advantage, I have no doubt about it. I've raised my very specific concerns about the bill. I've indicated our support for it. I look forward to the parliamentary assistant, who I regret can't be here tonight, or to the minister, who I regret can't be here tonight, addressing the issues and concerns I've raised.

You heard one of the earlier speakers talk about traffic congestion, particularly traffic congestion down in the Niagara Peninsula. You heard me earlier today calling upon this government—because I recall back in 1999, in the midst of a heated election campaign in Niagara Centre, when the Conservative Minister of Transportation, then Mr Clement, came down to Welland. He was at

Welland city hall, as a matter of fact, and he promised—he's on record. The folks of south Niagara, people in Welland but more importantly the folks down in Port Colborne and Wainfleet down in Mr Hudak's Erie-Lincoln riding—Mr Clement, the Minister of Transportation for this same government, promised the extension of Highway 406 down into Port Colborne. I can't tell you how important that is for the people living down there, for jobs and for industry, especially since that industry is very much under attack. The people in Port Colborne desperately need that hookup to highway 406. The Minister of Transportation promised that was in the works. He also promised the four-laning of that highway as it travels through Welland and on down to Port Colborne.

I'm confident the member for Erie-Lincoln has used every cabinet meeting as an opportunity to impress upon the Minister of Transportation the need for that extension through into Port Colborne and for the four-laning of it. I'm sure the member from Erie-Lincoln has not only utilized every cabinet meeting but exercised every bit of clout he can muster as a cabinet minister to ensure that takes place.

Folks down there, people down in Welland and Niagara Centre but most importantly people down in Erie-Lincoln, are dearly waiting to hear from this government, either through its Minister of Transportation or through their local member, who's now the minister of consumer and commercial relations or to that effect, that indeed the government has begun the planning and is embarking, and we'd like a clear date.

Our concern is that these are but election promises—you know what I mean?—and that back in 1999 when the Minister of Transportation was down there making that promise, he had no intention of keeping it. I wouldn't believe that for a minute, because I know that minister to have been an honest, forthright person. So I'm anxiously awaiting a response on the status of Highway 406, its extension and its four-laning, and I'm sure Mr Hudak from Erie-Lincoln is as well.

I'm going to wrap up the debates in around 10 seconds' time. It's going to be called again, and Mr Bisson from Timmins-James Bay, our critic, is going to be addressing it for an hour. He was anxiously waiting for his turn to speak to it tonight. Unfortunately, he's not going to be able to. We look forward to when he takes the floor.

The Acting Speaker: Pursuant to the agreement, this House stands adjourned until 1:30 o'clock on Monday, October 28.

The House adjourned at 1932.

LEGISLATIVE ASSEMBLY OF ONTARIO
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CONTENTS

Thursday 24 October 2002

SECOND READINGS

Highway Traffic Amendment Act (Emergency Vehicle Safety), 2002, Bill 191. <i>Mr Runciman</i>	
Mr Stockwell	2479
Mr Colle	2479
Mr Kormos	2481
Debate deemed adjourned	2484

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No. 49A

N° 49A

ISSN 1180-2987

Legislative Assembly of Ontario

Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Monday 28 October 2002

Lundi 28 octobre 2002



Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 28 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 28 octobre 2002

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

JOHN MALETTE

Mr Dwight Duncan (Windsor-St Clair): This morning, my home community of Windsor laid to rest a son of our community who was well regarded by many members of this House. He was a friend and colleague to all of us. He was a friend of mine. His name was John Malette.

John served our community for many years and in many capacities. He was a family man first, an active member of his religious community and, most importantly, he gave back to his community.

John found time for many endeavours. He was a businessman by profession. He operated a number of different businesses very successfully. But what always struck me about John was what he gave back to the community. He served as vice-chairman of Villa Maria, which is a home for the aged in Windsor. He was the chair of Hôtel-Dieu Grace. He was the youngest-ever elected member of the Windsor-Essex Catholic District School Board. He chaired the high school committee of that organization. John also served in a variety of other capacities, including the advisory board of St Peter's Seminary in London, and was a dedicated active member of our parish, St Gabriel's.

Most important of all, John was a husband and father. His wife, Renee, and his children, Jacqueline, Rachelle, John Paul and Gabrielle, understandably are very proud of him.

John did many things very young. Unfortunately, he died young. He was 45 years old. He was a remarkable individual. He gave a great deal to our community and, most importantly, a great deal to his country, his province and, above and beyond all else, his family.

PETERBOROUGH PROMOTIONAL BROCHURE

Mr R. Gary Stewart (Peterborough): Today I would like to share with all members of the Legislature a good-news story from my riding of Peterborough: international recognition of a promotional brochure produced by the

Greater Peterborough Area Economic Development Corp.

This brochure received an honourable mention in the special-purpose brochure category for communities with populations between 50,000 and 200,000. The award came from the International Economic Development Council promotional materials awards competition that is held during the IEDC's annual conference in Oakland, California.

The brochure entered in the competition is targeted at site selection consultants and decision-maker influences involved in business locations. It includes information on the benefits of the greater Peterborough area which it offers to investors, and stresses the high level of customer service provided by the GPAEDC staff.

The brochure was designed by a Peterborough graphics design firm, Point of View Visual Communications, owned and operated by Chris White and Dan Wakeford. I'd like to mention that both of these gentlemen are graduates of Sir Sandford Fleming College in Peterborough. Peterborough photographer Michael Cullen, owner of Trent Photographics, took the photographs for the brochure.

I'm very proud of all those who contributed to the development and production of this initiative to attract business to the Peterborough community, a wonderful place to work, do business, live and raise a family.

HIGHWAY 69

Mr Rick Bartolucci (Sudbury): Finally, this government has acted on Highway 69 between Sudbury and Parry Sound. After intense lobbying from my community, from the Crash 69 committee and from the Henderson family, the government finally installed warning lights around the Killarney turnoff. They did that with much fanfare. I would suggest that doing the bare minimum after seven years in power isn't anything to brag about.

Today, my community challenges Ernie Eves to make the following announcements when he comes to Sudbury on November 21 for his annual fundraiser, taking money out of Sudbury. We want him to bring money into Sudbury. We want him to announce a starting date for the four-laning of Highway 69 from Sudbury to Parry Sound. We want him to announce that the environmental assessment for the whole stretch of highway between Sudbury and Parry Sound will be done by next June. We want him to announce that indeed he will ensure that the

stretch of highway between Sudbury and Parry Sound is the number one priority of the federal-provincial infrastructure program that he and his Minister of Transportation will make to the federal government. We challenge this government to not only make announcements that are interim at best, but to show that it is truly committed to Highway 69 and, on November 21, to announce a start time for this project.

SCHOOL POOLS

Mr Michael Prue (Beaches-East York): I rise today in defence of the many swimming pools in this city, some 84, that risk being closed down. Every day we hear about the possible closures, especially since the hand-picked supervisor has been put in to look after the school board in Toronto. But some of the parents and students have decided that it's time to fight back. This morning I had the privilege to meet with two of them, and they are here today in the gallery, one parent and two students who have gone that extra little step. Mrs Susanne Gyasi, her daughter Brandi-Lee and friend Roxy are all here today.

What these students did is truly remarkable. They determined that at their school, D.A. Morrison school, the swimming pool ought not to close. They have gone throughout the school, to the students and teachers, and into the surrounding neighbourhood and they have collected on a petition some 250 names of people who are fighting to keep their school pool going. It isn't enough for them to simply say that they're going to lie down, that they're going to see the pool actually close. They want to take a proactive part. I salute them and I salute all the students in the school and all the students and parents across Toronto who are fighting for the same thing.

They have presented me a copy. Unfortunately, it's not suitable for presentation in the Legislature, but I intend later today to give it to the Deputy Premier, because that is for whom it is intended, to let everyone know that in this school and in this city, people want to keep their pools open.

CANADIAN HORSE

Mr John O'Toole (Durham): I rise in the House to recognize a farm in my riding that is doing its part to preserve a living example of Canadian heritage. I am of course referring to a rare breed known as the Canadian horse. This animal has been recognized by Parliament as our national horse, and rightly so. Like Canadians and indeed like the citizens of my own riding of Durham, this breed is strong, versatile, hard-working and from a proud heritage. Some describe them as the little iron horse, much like myself.

The breed nearly became extinct in the early years of the past century. However, there is a renewed interest in the Canadian thanks to people like Tim and Frances Tufts of Kendal Hills Kennels. They are proud owners of three Canadian horses, with two foals expected this spring. I

am grateful for the information they have shared on this very unique breed.

The Canadian is descended from the royal horses originally sent to the New World by King Louis XIV of France in the mid-1600s. By the 1800s the breed was renowned in Canada and the United States. In fact, it was the foundation of several other strong breeds, including the Morgan, Standardbred, Tennessee Walker and American Saddlebred.

While its numbers declined drastically in the past century, today the Canadian is making a comeback and there are an estimated 3,000 registered today. They are not only prized as carriage horses, but also can be found in dressage, eventing, mounted patrols, trail riding, and indeed anywhere there is a demand for good-natured, hard-working, versatile horses—much like myself.

I commend breeders such as Frances and Tim Tufts in Durham riding for preserving such an important part of our Canadian heritage.

1340

GOVERNMENT ACCOUNTING PRACTICES

Mr Gerry Phillips (Scarborough-Agincourt): It's now seven months since our fiscal year ended here in the province of Ontario and still we don't have an audited statement. I remember very clearly that in Mr Eves's first budget in 1996 he promised the audited statements would be presented a maximum of 120 days after the year-end, and they would aim for 90 days after the year-end. We still don't have it. It's the latest, I think, we've ever not had audited statements.

I also remember that very shortly after election, Mr Eves promised to get rid of the two sets of books in the province. The people of Ontario will be, I think, surprised to learn we still have two sets of books and billions of dollars of difference.

The government also promised back in 1996 to present a budget before the fiscal year started. This year it was three months after the fiscal year started before the budget was presented.

Frankly, it's a bit embarrassing. The government likes to say that they want to run the government like a smooth business. Let me just say that no business could get away with audited statements seven months after the fiscal year, two sets of books with billions of dollars of difference, and a budget not presented until three months into the fiscal year. As I say, it's embarrassing for the people of Ontario to find that now, almost seven years after he promised them, we still don't have the things that Ernie Eves promised he would deliver seven years ago.

VOLUNTEERS

Mr Norm Miller (Parry Sound-Muskoka): It is a pleasure for me to rise today to pay tribute to volunteers. This past Wednesday, I had the distinct honour of hosting the 2002 Volunteer Service Awards in Parry Sound. It is particularly satisfying to participate in this annual

ceremony, as it recognizes volunteers and their valuable contributions to our communities.

People who received Volunteer Service Awards last Wednesday were recognized for giving of their time, expertise and resources to make a difference in Parry Sound-Muskoka: people like Jean Beckett, who received her five-year pin for her work with RISE in Parry Sound; Mrs June Crooks, who also received her five-year pin for volunteering with the Lioness Club of Huntsville; Mr Thomas Hart, who was recognized for his more than 30 years of volunteering with the Emsdale Agricultural Society; and Mr Don Scott for his 15 years of dedication to the Gravenhurst Volunteer Fire Department. These are some of the more than 100 people who received their awards last Wednesday.

I am pleased that we not only have a fine volunteer base in my riding of Parry Sound-Muskoka, but that our government has taken the time to recognize these people who make a difference in our communities. I would like to personally congratulate all those fine people who volunteer in our province for their outstanding efforts and contributions to making Ontario the best place in the world to live.

PROGRESSIVE CONSERVATIVE CONVENTION

Mr George Smitherman (Toronto Centre-Rosedale): I hold in my hand today's top 10 list.

Top 10 Moments from the Tory AGM:

(10) John Snobelen skips the convention because his horse won't go up the escalators.

(9) Cam Jackson complains about downgrade to hotel room. Delegates tire of "When I was a minister" stories.

(8) When asked about the tax break for sports teams, Mike Harris also blames another Premier: Leslie Frost.

(7) Open margarita and daiquiri bar creates typical Tory scene: government lurches from ices to ices.

(6) Harris leaves the convention early because Flaherty won't stop following him around saying, "Please, come back. Please."

(5) Jean Charest says, "I did that driving-the-bus-into-the-convention thing in 1993. That's my bit."

(4) Delegates and at least two ministers seen sporting buttons handed out by the Liberals.

(3) Best-attended session: "How to blame others for your mistakes," chaired by Ernie Eves.

(2) Jim Wilson forced to apologize to Deb Hutton, David Lindsay and Bill Farlinger after accidentally threatening to fire all civil servants who are members of the PC Party.

And the number one top 10 reason, "Why I enjoyed my time at the Tory convention"?

(1) Ernie Eves asked the real leader of the Ontario PC Party to stand up, and nobody did.

VISITORS

The Speaker (Hon Gary Carr): Just before we begin, we have with us today in the Speaker's gallery the

new Consul General from Pakistan, Mr Ghalib Iqbal, who is accompanied by his wife. Please join me in welcoming our special honoured guests.

MOTIONS

HOUSE SITTINGS

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I move that pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, October 28, Tuesday, October 29, Wednesday, October 30, and Thursday, October 31, 2002, for the purpose of considering government business.

The Speaker (Hon Gary Carr): Mr Baird moves that pursuant to standing order 9(c)(i)—

Interjections.

The Speaker: Dispense? Dispense.

Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1346 to 1351.

The Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Agostino, Dominic
Arnott, Ted
Baird, John R.
Barrett, Toby
Bartolucci, Rick
Beaubien, Marcel
Bountrogianni, Marie
Boyer, Claudette
Brown, Michael A.
Bryant, Michael
Chudleigh, Ted
Clark, Brad
Clement, Tony
Coburn, Brian
Colle, Mike
Conway, Sean G.
Cordiano, Joseph
Crozier, Bruce
Curling, Alvin
DeFaria, Carl
Di Cocco, Caroline
Dombrowsky, Leona
Duncan, Dwight
Dunlop, Garfield
Ecker, Janet
Elliott, Brenda
Flaherty, Jim

Galt, Doug
Gerretsen, John
Gilchrist, Steve
Gill, Raminder
Gravelle, Michael
Guzzo, Garry J.
Hardeman, Ernie
Hastings, John
Hodgson, Chris
Hoy, Pat
Hudak, Tim
Jackson, Cameron
Johns, Helen
Johnson, Bert
Kells, Morley
Klees, Frank
Kwinter, Monte
Levac, David
Marland, Margaret
Maves, Bart
Mazzilli, Frank
McDonald, AL
McLeod, Lyn
McMeekin, Ted
Miller, Norm
Molinari, Tina R.
Munro, Julia

Mushinski, Marilyn
Newman, Dan
O'Toole, John
Ouellette, Jerry J.
Parsons, Ernie
Patten, Richard
Peters, Steve
Phillips, Gerry
Pupatello, Sandra
Ramsay, David
Runciman, Robert W.
Ruprecht, Tony
Sampson, Rob
Sergio, Mario
Smitherman, George
Spina, Joseph
Sterling, Norman W.
Stewart, R. Gary
Tascona, Joseph N.
Turnbull, David
Wettlaufer, Wayne
Wilson, Jim
Witmer, Elizabeth
Wood, Bob
Young, David

The Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Hampton, Howard
Kormos, Peter

Marchese, Rosario
Martel, Shelly

Martin, Tony
Prue, Michael

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 79; the nays are 6.

The Speaker: I declare the motion carried.

VISITORS

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): Mr Speaker, on a point of order: I would like to take a minute to welcome the grade 5 students from Ridgewood Public School in my riding to Queen's Park.

ORAL QUESTIONS

ONTARIO POWER GENERATION

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Energy, and it concerns Ontario Power Generation, that electricity producer wholly owned by the government of Ontario, that public company that controls 70% of the Ontario electricity market.

As you will know, Minister, Ontario Power Generation has today produced its third-quarter financial report for the period July, August and September, 2002. In the financial report of this public company owned by the government of Ontario, controlling 70% of the electricity market, we are told that net earnings, profit for that three-month period, July, August and September of this year, is up at \$215 million, two and a half times what it was for a corresponding period the year before; this at a time when millions of Ontario electricity consumers—residential, commercial and industrial—are paying through the teeth for this kind of earnings report with extravagantly high electricity prices.

My question, Minister, is simply this: are you confident and can you say to the electricity consumers of Ontario today that your company, our company, Ontario Power Generation, is not in fact, in these very difficult and trying times, gouging Ontario electricity consumers?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): Recognizing the market share that Ontario Power Generation has in the marketplace, when the market design committee established the rules and procedures, that the government certainly accepted, a rebate was put in place just to act as a check on the market power of Ontario Power Generation. They are required to remit, I would suggest, at least 50% of rates in addition to the 3.8% base amount with which the company was set up to be commercially viable. Any excess profit in the amount of 50% will go back to consumers.

The member opposite is correct that the third-quarter numbers were substantially higher than they've been in the past, but on the other hand, the nine-month net income for the company are actually down from last year.

Mr Conway: We'll get to that in a moment. I just want to be clear so everybody understands the situation we're in. All of your constituents will know their hydro bills are up, and up sharply. I got a call the other day from the people who operate the Cobden Arena in Renfrew county. Their bill for electricity for September 2002 was 8,000 bucks, compared to 5,000 bucks a year ago. That's 60% in one year for one month in a community arena. That situation is going to be played out in virtually every community across Ontario as we head into the fall and winter of this season.

Rates are up. You know what else is up? The stranded debt of Ontario Hydro and its successor companies is up by nearly a billion dollars. People don't know that, but since the Eves-Harris government deregulated the stranded debt of the province's utilities, it's up by hundreds of millions of dollars. My question is simply this—

Interjection.

Mr Conway: This is your plan, your plan that promised to bring down debt, bring down rates and improve service. Rates are up, debts are up and service is in the tank.

My question is a very straightforward one and it concerns Pickering A. This particular report tabled today by Ontario Power Generation indicates that the cost increases with the refurbishments of Pickering A are up an additional \$230 million over the original estimate. The report indicates that OPG is now going to reassess whether or not it is going to complete the four-unit refurbishments later on.

Can you give the House today your best information as to what precisely is the plan for the full refurbishment of Pickering A? What are the true costs? What are the reasons for the delay?

Hon Mr Baird: The member opposite raises a number of issues in his question. I would indicate to him that Ontario Hydro's debt has not increased. In fact it's been reduced, as reported in financial statements for 2002. The member opposite would find that since 1999 liabilities have declined by more than \$500 million. I would want to put that on the record.

With respect to Pickering A, it is no secret that this project is not Ontario Power Generation's finest hour. As minister, I'm not happy with what we've seen, and I think there's a lot more that can be done.

The member opposite requests information with respect to why the project has been delayed. They had to conduct a 20-month environmental assessment, which added a substantial delay to the project. I do think it's important that whether there be environmental improvements, nuclear safety and reliability enhancements, millions of dollars being spent to meet federal regulatory requirements in addition to the security enhancements are very important for the future safety of this important economic resource.

1400

Mr Conway: Not our finest hour: years behind schedule; at last report, \$1.5 billion over budget. Not our finest hour, I'll say. Nothing in the short and intermediate

term will have a more serious and immediate effect on electricity prices that Ontario citizens and businesses will pay than what goes on at Pickering A.

The people of Ontario know they have an obligation to pay the billions of dollars that are at risk at Pickering A. They also have a right to know what the hell is going on down the road at Pickering A.

Minister, on behalf of your government, will you give me and the electricity consumers of Ontario this assurance: will the Eves government on a priority basis—and I mean in the next very few days—commit to ordering public hearings where the Ontario Power Generation people must come forward to a public place where they can be cross-examined on the details of (a) what is the specific set of problems that is causing the delay and the multi-billion dollar cost overrun at Pickering A; and (b) what is the current, latest thinking at OPG and the Ontario government as to what you are going to do, should these delays continue and these costs continue to rise? Are you prepared to commit to a public hearing so we can find out what in fact is going on?

Hon Mr Baird: I was prepared, and I did sit through some seven and a half hours of estimates and this certainly did not dominate the discussions with which the member opposite—had he seen it as such a concern, he would have wanted to participate.

We are working on getting six reactors up on-line. We believe we might be able to get three back on-line next year: two at Bruce and one at Pickering. We also are learning that at Bruce they're actually looking at potentially bringing on two more that they had previously thought they would have to mothball. That is obviously encouraging news and good news for the people of Ontario.

I did notice that the other Liberal critic this year said, "Our position has not changed since 1997," and then he went on to say, "The only way we're going to get more made-in-Ontario electricity is to permit the private sector to come in and build made-in-Ontario electricity," something he and his own party voted against just four days ago. Where is the consistency from this member on these issues?

Hon Brad Clark (Minister of Labour): On a point of order, Mr Speaker: The member from Renfrew used some terminology in his statement that earlier last week—

The Speaker (Hon Gary Carr): Thanks. Take your seat. Stop the clock for a quick moment. When that did happen, I saw the reactions of the parents and the teachers, who smiled, so I would ask hopefully that—

Mr Conway: Let me apologize. Hydro and hydro rates cause me to get a little upset, but I do apologize to kids, parents and everybody else—and Pickering A, our finest hour.

The Speaker: I thank the member. I would appreciate the comments—

Interjections.

The Speaker: Order. We do have some young people in here. Let's settle down. They're still watching. We've had it. The question comes up. Start the clock.

MFP FINANCIAL SERVICES

Mr Bruce Crozier (Essex): My question is for the Deputy Premier. On October 3, 2001, the Chair of Management Board told this House that he had conducted an investigation into provincial government contracts with MFP and found that they were, and I quote, "above-board."

Minister, I have here in my hands confidential briefing notes that directly contradict these claims. The secret notes report, "MBS consultations with ministries indicate that there have been a number of situations involving additional or disputed payments for leasing where the ministry has used MFP Financial Services Ltd." Specifically, we've learned that there was an \$18-million discrepancy between COMSOC and MFP because the government didn't fully understand the questions and the contract it signed. There was another million-dollar discrepancy with economic development, and internal auditors at justice raised concerns.

Deputy Premier, can you tell me why the government would say their contracts were "above-board" when clearly this was not the case?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): What I can tell the member opposite is that certainly the government's goal always in everything we do is to ensure that we make the best use of the taxpayer dollars while obviously making sure that we obtain the tools we need to deliver top-quality public services to the people in this province.

I know that the government has acted on the recommendations in the Provincial Auditor's 2000 annual report, and certainly the government has undertaken a new competitive process for lease financing services. That process was completed, as you know, in February 2002, and that process was fair, open and transparent.

So the government is now taking action to ensure that there is consistency in leasing practices and asset management.

Mr Crozier: According to these notes, that's clearly not the case. I would have hoped that the Deputy Premier would have been better briefed on this, when you consider the problems in her own riding as well as those in Windsor and Toronto.

The government told us they'd been investigated, and they said everything was above-board. Now we have confidential notes that dispute that claim.

The notes say that taxpayers were left holding the bag for things written in MFP contracts such as additional refinancing charges after leases were extended and consolidated, and the inclusion of costs related to installation and support services.

Even more frightening, Deputy Premier: the notes also reveal examples of gross mismanagement and incompetence such as contract terms not well documented; the government actually relying on MFP for its information, if you can believe it, and expertise on the contracts; and decisions being made in the short term for fiscal demands

that reflect the ineffective leases that they have with management.

Deputy, we're told that everything was above-board, and clearly that is not the case. Instead of coming clean and admitting your incompetence and your mismanagement, the government tried to hide it. Why did they do that?

Hon Mrs Witmer: I understand that the member opposite from Essex was actually offered a briefing on some of these contracts in October 2001 and May of this year in order that he could better understand the contracts. I understand that he didn't accept either one of those offers.

I can tell you that the company has complied with all the mandatory terms of the RFP and the master contract set out by MBS. I think it's very important to remember that the contract was written by MBS, not the vendors. So I would again say to the member opposite that there's been an opportunity for you to receive a briefing on the contracts, and I know that offer is still on the table.

Mr Crozier: Minister, a briefing when they have the contracts and I don't isn't worth the paper it's written on. We want to see the contracts.

Ninety-five per cent of the computers the government has are leased. MFP manages over half of these assets, worth millions of dollars. Despite evidence to the contrary, we're told the contracts were investigated, and we're told they are above-board. But let's get a little more specific.

These confidential briefing notes also show that the Ministry of Natural Resources leased 3,750 desktop computers from MFP; not laptops, not servers, just desktop computers. You know something? You can go to Future Shop and buy any one of these for less than a quarter of that.

Minister, do you think taxpayers would be happy to learn that MFP was paid \$5,333.33 a year to lease a computer? If not, if you don't think the taxpayers will believe that, will you release the half-billion dollars' worth of contracts the provincial government—

The Speaker (Hon Gary Carr): I'm afraid the member's time is up. Deputy Premier?

Hon Mrs Witmer: I would just repeat the offer that was made to the member from Essex. I would indicate that up until now, the contracts haven't been disclosed because they didn't ask for them. The briefing still stands that you're able to have them.

1410

HYDRO DEREGULATION

Mr Howard Hampton (Kenora-Rainy River): A question for the Minister of Energy. Minister, it seems that killing Kyoto wasn't the only thing that Ralph Klein and Ernie Eves talked about this past week. In Alberta, Ralph Klein used over \$2 billion in taxpayers' money to try to hide his hydro deregulation and privatization mess from the people of Alberta by mailing out rebate cheques just before the election. Now it looks like your govern-

ment wants to try the same strategy. Is your government really going to try to bribe people with their own money just before an election?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): No.

Mr Hampton: Maybe you should talk to your Premier, because his utterances of the weekend sure make it sound that way.

I want to give you some advice. Isn't it better to not make the mistake of hydro privatization and deregulation in the first place? Isn't it better, rather than trying to spread money around in May or June of next year, to ensure that people don't have to go through the pain of sky-high privatized electricity rates? Wouldn't it be better to acknowledge that right now, as a number of American states have—California, Montana, New Mexico—all of which are abandoning hydro privatization and deregulation there? Wouldn't it be better to stop now and stop the pain of Ontario consumers? Wouldn't it be better to do it that way, rather than trying to bribe people with their own money eight or nine months from now?

Hon Mr Baird: The member opposite raises the issue that the high electricity rates in the months of the summer and September had some substantial effect. A lot of families and small businesses in this province are tremendously concerned about this issue, and so is their provincial government. That's why, as part of the design of the market, to protect consumers from the market power of Ontario Power Generation, there is a process to provide a rebate. He's exactly correct—what the Premier has asked us to look at.

What would have been done in the past when this member sat on the executive council was that when the heat went up and demand went up and there was pressure upwards on prices, this member opposite and his gang would simply take out the old Ontario Hydro credit card and amass debt to the tune of \$38 billion, a tax on our children and their children. When the member opposite sat on the executive council, the Ontario Hydro debt went up by \$3 billion in just five years. My generation and the next generation are going to have to pay for that waste and that mismanagement. That's why this government is making some fundamental changes to support families and to support the Ontario economy.

Mr Hampton: Well, Mr Pickering, you've got a lot of nerve talking about debt, because under your watch you are adding to the nuclear debt. I might want to remind you that it was Conservative governments that started to build Darlington nuclear plant. It was supposed to cost \$5 billion, but it turned out to cost \$15 billion—Conservative government. You're doing the same thing now: ploughing more and more money into nuclear plants, not putting any money into renewables, not looking at the capacity of wind energy, re-creating the whole nuclear debt debacle again.

But the issue is this: what's happening to consumers who have to pay for these double-digit increases in their hydro bills? What's happening to seniors on fixed incomes? Are you going to make them wait until next

May and send them a \$100 cheque and say, "Vote for us," or are you going to do the right thing now: cancel hydro privatization and deregulation like other jurisdictions in North America?

Hon Mr Baird: It will come as no surprise to the member opposite that I don't see eye to eye with him on these issues. The member opposite has at least been consistent in his view with respect to reforming the electricity system in Ontario.

We simply believe on this side of the House that it's irresponsible to continue to amass debt to the tune of \$38 billion.

The old Ontario Hydro monopoly was pulling our economy down and was putting an albatross around the necks of future generations. The member opposite wants to talk about a government that was elected when I was two years old and somehow suggests that that is the reason.

I do know that with respect to Pickering A, it's emission-free electricity and it's still a commercially viable project.

LONG-TERM CARE

Mr Howard Hampton (Kenora-Rainy River): My question is for the Associate Minister of Health and Long-term Care. This summer, while you were busy hiking long-term-care fees for seniors living on fixed incomes, you tried to justify it by saying, "There will be more nurses and better nursing care in homes for the aged and long-term-care facilities."

We showed you two weeks ago that nursing homes in the Durham region were not hiring more nurses. There wasn't better nursing care. They were using the money for things like diapers and to cover their operating budget shortfall. Last week we told you about Rainycrest in Fort Frances not hiring any new nurses, using virtually all the money to cover the budget shortfall, because you're not funding long-term-care facilities adequately. Now we find out about North Centennial Manor in Kapuskasing, which is using their so-called "new nursing money" to cover WSIB deficits and long-term disability benefits: they're not hiring any nurses either.

Minister, was your announcement this summer, when you drove up long-term-care fees, completely phony? If not, why aren't nurses being hired in long-term-care facilities?

Hon Dan Newman (Associate Minister of Health and Long-Term Care): July 31 this year we made an announcement of \$100 million toward nursing and personal care services in all the long-term-care facilities across our province. That money is to fund those items that are under the nursing and personal care envelope. That includes things like salaries and benefits for registered nurses, salaries and benefits for practical nurses, and salaries and benefits for health care aides.

The money in the nursing and personal care envelope also goes toward things like the cost of medical and nursing supplies, the cost of equipment and the cost of

education and training of staff. All of these things go toward providing better-quality care for all the residents at our long-term-care facilities: \$100 million toward nursing and personal care.

I might add that it was the Ontario Long Term Care Association that said that the \$100 million could be used to hire an additional 2,300 full-time-equivalents across the province. That continues to be true today.

Mr Hampton: Minister, this was your announcement last summer. You were the one who went out there and told seniors that you were going to hike the fees by thousands of dollars for people who have to have a long-term-care bed, but you said they were going to get better nursing care. In nursing home after nursing home, home for the aged after home for the aged, it's not happening. Lady Isabelle Nursing Home in Trout Creek won't be hiring any new nurses. Extendicare in Haliburton, Versacare in St Catharines and South Centennial Manor in Iroquois Falls are using the so-called "new nursing dollars" to cover up the budget shortfall because the Conservative government won't adequately fund care for our seniors. It was your announcement, Minister. You were the one who said in the House two weeks ago, "There's nothing else the money can be spent on. It must be spent on hiring additional nurses."

I accuse you of ripping off the senior citizens of this province and, worse, I accuse you of making a phony announcement, a completely phony announcement. Stand up now and admit it: none of this money is being used to hire new nurses; it's being used to cover up the fact that your government won't adequately fund health care for seniors.

Hon Mr Newman: To the outrageous charges of the leader of the third party, I plead not guilty. When this member was a part of the NDP government, let me tell you what they did when they had something to do with long-term care. They hiked the long-term-care fees in 1993 in this province by up to 38%. That's what their government did.

This government is putting \$100 million into nursing and personal care services. In fact, if you look at the Rainycrest home in the member's own riding of Kenora, I can tell you that Rainycrest has used their additional dollars to maintain nursing and care staffing levels and is not aware that any nursing staff are going to be laid off. I can assure the member opposite that the Ministry of Health and Long-term Care will continue to monitor and evaluate resident care as well as staffing ratios to ensure that a high quality of service is maintained not only in that home but in each and every long-term-care facility across this great province.

1420

MFP FINANCIAL SERVICES

Mr Bruce Crozier (Essex): My question is for the Deputy Premier. We have for months been trying to get information on the government's dealings with MFP Financial. We've asked, we've paid for and we've gone

through now some secret documents that we finally obtained on MFP Financial. You mentioned some sort of briefing on MFP Financial. What we have simply asked for are the contracts. We can read the contracts for ourselves.

On December 11, 2001, my leader, Dalton McGuinty, said, "We think the responsible thing to do in the circumstances is to release the contracts.... Will you agree to that, Minister?" My colleague Dwight Duncan from Windsor-St Clair on October 1, 2002, said, "Given these facts, will you release your government's contracts with MFP to this House today?"

Today I ask that you release the contracts. Minister, will you simply do that? If you have nothing to hide, release the contracts.

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I find it rather surprising that the member for Essex stands in the House and makes these statements and claims at a time when he has twice been offered the opportunity to have a briefing on the contracts. The reality is, this has been handled in the same way as any FOI request has been handled. You know that and I know that.

Mr Crozier: The thing is, Minister, you don't know any more than what's being sent in to you today. I've simply asked for these contracts to be released. I want to be able to go to the people of Ontario and say, "Do you really think that you should pay \$5,333 a year to lease a computer that you can buy for a third or a quarter of that price?" I merely want to be able to go to the people of Ontario and say, "Look, they've got massive problems with MFP in Waterloo"—in your own riding, Minister—"they have massive problems with MFP in Toronto and in Windsor and with the Union Water system." I want to be able to assure the people of Ontario that, because you haven't. So will you release the contracts?

Hon Mrs Witmer: I understand that the records to which the member opposite is referring have been released under the FOI. I understand that the auditor has already commented on these and that we've acted on them.

OCCUPATIONAL HEALTH AND SAFETY

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): My question today is to the Minister of Labour. Our children have been back in school for a few months now. I understand that the high school curriculum includes comprehensive health and safety education. I believe that this is based on teacher support materials developed by your ministry.

Could you please tell my constituents in Bramalea-Gore-Malton-Springdale how the government is ensuring that our children learn about health and safety on the job, in the community and in their homes?

Hon Brad Clark (Minister of Labour): I thank the member for the question. Our government is taking steps to educate young workers, much the same age as the

young people who are in our hallowed halls today, actually.

The honourable member refers to teacher support programs. The program is Live Safe! Work Smart! These materials give students critical health and safety information. We're teaching these students their rights and responsibilities, how to identify what is hazardous in the workplace and the best way to protect themselves so that they don't become a statistic, so that they're not injured in the workplace or, worse, killed.

We continue to take the lead on a number of initiatives aimed at improving occupational health and safety skills of students and young workers through the development of young worker health and safety Web sites, through the young worker awareness program with the WSIB and through partnerships with the ministries of Education and Training, Colleges and Universities, many unions and the Workplace Safety Insurance Board in providing Live Safe! Work Smart! material to teachers across the province.

Mr Gill: I want to thank the minister for his response. Minister, your ministry is responsible for workplace health and safety. What else is your ministry doing to ensure that our young people are not injured on the job?

Hon Mr Clark: The ministry and the Workplace Safety and Insurance Board are working with Paul Kells and Rob Ellis, who are fathers of two teenaged boys who were killed on the job. Both have taken up the prevention challenge in very personal ways because it impacted on their families and their lives. Mr Kells has become an internationally recognized health and safety advocate for his community prevention efforts. Mr Ellis shares his son's story with high schools and post-secondary students, business and labour organizations with the aim of educating people so that tragedies that impacted his family will never impact another family.

Beginning this Friday, I'll be kicking off the Live Safe! Work Smart! tour, where I'll be speaking to high school students as well about the importance of work safety in order to—

Interjection.

Hon Mr Clark: Perhaps you don't care that young workers are being injured on the job; we do.

I'll be going out speaking to high school students and bringing directly to them their rights and responsibilities and how they can ensure that they are safe in the workplace so that they too can come home to their families every night.

ENERGY CONTRACTS

Mr Mike Colle (Eglinton-Lawrence): I'd like to ask a question of the Minister of Consumer and Business Services. On a daily basis, consumers across this province are being harangued by door-to-door hydro sales people. Here's the latest assault on a poor senior. A 77-year-old constituent of mine received a letter from Direct Energy threatening that if she and her 84-year-old husband cancelled their contract, they would be charged

a penalty of \$750 with what they call an "early termination fee." They only tried to cancel this contract because another door-to-door salesperson from another company convinced them to cancel. So when they tried to cancel, they got this letter from Direct Energy saying, "It's a \$750 charge if you cancel. But if you don't cancel, sign this and you get a cheque for 75 bucks."

Mr Minister, as consumer affairs protector, how are you going to stop this haranguing and harassment of poor, innocent people that's been going on in Ontario for the last two years? What are you going to do to finally put an end to it?

Hon Tim Hudak (Minister of Consumer and Business Services): This question rests with the Minister of Energy.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): We took some substantial measures to further protect consumers in Bill 58 this past spring. If the member opposite has some specific examples of practices that are unethical or illegal, I'd encourage him to immediately contact the Ontario Energy Board where they can conduct an investigation and look at these practices.

It is something which we all take incredibly seriously. If the member opposite has specific information, I'd also be happy to pass it on to the OEB, because we take these matters incredibly seriously.

Mr Colle: I'm surprised the minister of consumer affairs doesn't have the guts to stand up and say he's going to protect seniors. I'm surprised.

This is about protecting people who are just trying to live their lives in their homes. This has gone on year after year. This is one of hundreds of examples of door-to-door intimidation by these con artists. This senior was so afraid of paying \$750, you know what they did? They went back with Direct Energy, not because they wanted to, but because they're afraid of their very well-being. This senior has an 84-year-old husband with Alzheimer's.

This is what's going on, Mr Minister. What are you going to finally do to stop this mess at every door in Ontario that is taking advantage of poor people who can't even afford to put food on the table? What are you going to do to stop this?

Interjections.

The Speaker (Hon Gary Carr): I'm sorry, I missed that. Order. The minister has the floor. Sorry, Minister.

1430

Hon Mr Baird: If someone in Ontario is conducting illegal activities, things that are against the law, intimidating and harassing people, I ask—

Mr Colle: This has been going on for five years.

Hon Mr Baird: Member opposite, if you don't want to listen to the answer—you got up and asked a question; I'm taking the issue incredibly seriously. If the member opposite has some allegations he wants to make, give them to me right now, right here. I'll forward them to the Ontario Energy Board immediately and we'll conduct an

investigation. If people are breaking the law and threatening and intimidating seniors—

Interjection.

The Speaker: Order. I'll take this, Minister.

One more and you're out. You can't yell. You've asked the question very forcefully. Now the minister gets a chance to respond. Sorry, Minister.

Hon Mr Baird: We all take these issues incredibly seriously. If there are people out there breaking the law, I want to know about it. It will be forwarded to the authorities responsible, and an investigation and actions will follow.

As for your comments about the Minister of Consumer and Business Services, that's not a very classy thing to say.

DIAMOND MINE

Mr Bert Johnson (Perth-Middlesex): My question is for the dynamic and energetic Minister of Northern Development and Mines. As you know, there must be a mining operation in Palmerston, a few miles from where I live, where my father operated a coal and fuel oil business for many years and indeed where I went to high school.

Interjections.

Mr Johnson: I don't insist that you listen to the question, but I do insist you shut up so I can address my comments to whomever—

The Speaker (Hon Gary Carr): Order. Will the member take his seat for a second. With all due respect, it was your minister who was doing the shouting, not more than three rows from you.

The member is trying to put a question. I know that after a very controversial question, the next question is difficult, but could we please give the member quietness so he can place the question. I apologize to the member for Perth-Middlesex.

Mr Johnson: That's one, and the World Series is over, so I should get three.

I'm always interested in developments in the mining industry, as I am in the role the government plays in mineral investments in Ontario. Earlier this session, the member from Timmins-James Bay asked the Deputy Premier a question regarding a potential diamond mine in Attawapiskat. Minister, can you update members of the Legislature on new developments around this initiative?

Hon Jim Wilson (Minister of Northern Development and Mines): I want to thank my colleague for the question and remind members that mining activities in northern Ontario are important to the quality of life in all of Ontario and all sectors of our economy. After all, we can't produce the steel, we can't produce the goods and services, unless we do the mining first, and we're the number one jurisdiction in the world for mineral exploration.

Last week there was exciting news around the proposed DeBeers development near Attawapiskat in Ontario's far north. This will be the first diamond mine in

Ontario. DeBeers and the Atawapiskat First Nation jointly announced that they had reached an agreement to proceed with a winter program at the Victor diamond mine. This agreement is very important to the project. It is to allow for completion of a feasibility study. It will also allow for jobs and opportunities for residents of the Attawapiskat First Nation to continue throughout the winter.

I'd like to take this opportunity to congratulate both DeBeers and the First Nation. By working together, they are one step closer to making a prosperous and productive diamond mine in Ontario. They are to be commended for this. We look forward to the continued quality of life and raising of the quality of life for northern Ontarians.

Mr Johnson: Thanks very much, Minister. There are two very important sources of industry and economics in the north. Minerals happen to be one, and trees are the other.

Minister, as you mentioned, this project is only going forward thanks to the willingness of the parties to put aside their differences and work together. I know that Ontario's far north is full of similar examples and opportunities. What information can you provide for us today on the opportunities that are available?

Hon Mr Wilson: The Ontario government is working on a number of fronts to work with First Nations to build strong, healthy, self-reliant communities in Ontario's far north. I want to commend the Attorney General in particular and my colleague the Minister of Natural Resources for their very hard work with First Nations to help them become self-reliant, help them improve their quality of life, help them with economic development and give them the same opportunity those of us in southern Ontario have: the opportunity for a job, the opportunity to raise a family and to live in Ontario with dignity. The collaborative effort between Attawapiskat First Nation and De Beers should be commended, and I thank the honourable member for doing that in his question. It's a first for Ontario, it's perhaps a model in the future and it's a terrific first step toward creating the jobs that are necessary for self-reliance and for a greater dignity of life for our First Nation people in the far north.

AUTISM TREATMENT

Ms Shelley Martel (Nickel Belt): I have question for the Minister of Health. Leo and Sherry Walsh of Welland are in the gallery today. Their son Cameron is autistic and needs IBI treatment. He was placed on a waiting list for government funding over two years ago, but now that he's turned six he no longer qualifies for funding. His parents decided to pay for IBI treatment themselves because they're not prepared to give up on him. He's making tremendous progress but his parents have used up all of their savings, they have maxed out their credit cards, and now they are seriously considering selling their home in order to buy a few more months of treatment.

Minister, no Ontario family should have to sell their home in order to pay for treatment for their child. Will you recognize IBI as medically necessary treatment and pay for it for all children like Cameron who need it?

Hon Tony Clement (Minister of Health and Long-Term Care): This is a program of the Minister of Community, Family and Children's Services.

Hon Brenda Elliott (Minister of Community, Family and Children's Services): I would like to say, first of all, this government cares very much about the needs of children and the families of children who are diagnosed with autism. We know the challenges are extremely difficult, and that's why we believe it's important to offer services to the children and their families. Years ago, if a child was diagnosed with autism in the province of Ontario, it would indeed be extremely difficult to get services. That is why in 1999 we initiated a program. We started with \$5 million, and over these last three years we've increased it eightfold, to \$39 million.

We've chosen to offer an intensive behaviour intervention program because research has told us that this is the program that is most effective. It's part of a large number of programs that we offer to children with special needs, about \$500 million overall, in a bigger budget of \$2.2 billion. This is a challenging disorder—we understand that—both for the children and for the families. Can we do more? Yes. Will we? I'm very confident that our government will.

Ms Martel: My supplementary is for the Minister of Health because this is a critical health issue. I've got Mary Turner of Bradford in the gallery today as well. Her twins, Katie and Stephen, and a second son, Scott, all have autism. All three have been lucky enough to receive some government assistance for IBI treatment. Katie, who is the most seriously affected, has just started to use clear language while she's communicating. Katie and her twin, Stephen, both turn six in mid-January, and the limited funding this family has received is going to be cut off. I can tell you that this family cannot afford to pay for IBI treatment for three children. No family in this province should be forced into bankruptcy to pay for treatment for their children.

I ask you again, will you recognize IBI as a medically necessary treatment, and will you provide it for all autistic children in Ontario who need it?

Hon Mrs Elliott: As I said, our government does understand that this is an extremely challenging disorder for the children and their families. That is why we have consistently increased our investments to try and provide the services that are most appropriate. Specifically, we've directed our resources to the intervention program. Part of that program is to provide service that will assist in transition to school age. In fact, we have also increased the resources in special education programs in the public school system to assist those children and their families.

This is a challenging disorder. One of the problems we've been having here in Ontario is trying to find enough qualified individuals who will undertake the kind of care and instruction that is required for children. As I

said, can we do more? Yes. Will we? I am confident that we will.

1440

HYDRO RATES

Mrs Marie Bountrogianni (Hamilton Mountain): My question is for the Minister of Energy. Minister, what will it take for you to understand the depth of hardship that you have created for Ontario families?

A grandmother in Hamilton sent me an urgent e-mail. She sent you the same plea for help. Karen Baxmeier is a mother who is absolutely frightened for her daughter and grandchildren. Her daughter, Kelly Bryce, a single mom, has been working incredibly hard to raise two children and complete a nursing degree at McMaster. Her youngest child, Jaiden, is two years old and requires a Life-breath ventilator that runs day and night.

Minister, she cannot pay her hydro bill because it has skyrocketed. The utility is now threatening to cut off her hydro this week. Jaiden's life depends on electricity. What are you doing for Ontarians with disabilities whose lives depend on electricity?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): I share the member opposite's concern for those on fixed incomes, who are vulnerable, and the concerns that they have not just with respect to the bills that they're getting in their mail now from the hot months, the three months over the summer, but also their concern of what it will look like in the future.

I also share the concern the member opposite has with the disabled. If there are children with special needs, if there are people on social assistance, there are some measures to provide a measure of support on behalf of taxpayers. Those have been areas where we have put additional funds to support those with disabilities. In the recent budget, we saw a substantial increase. There was more than \$197 million announced with respect to people with developmental disabilities. A substantial amount of that was to provide agency revitalization to help them better serve the people they work for.

Mrs Bountrogianni: We need much more than your concern. Kelly's family has exhausted all of the avenues to help her daughter. You really don't have any idea of how hard it is. This young mother told me about other people in her neighbourhood who are not eating in order to pay the electricity bill.

Kelly Bryce is doing all the right things: she's struggling on OSAP to complete her nursing degree, she's raising two small children on her own and she was looking forward to becoming a contributor to our health care system and economy in a few short weeks when she's supposed to graduate. Everything is now in jeopardy. Most importantly, there's a little boy who could die if his electricity is shut off.

I'm asking you again, Minister: what are you prepared to do today to help Kelly Bryce and her children?

Hon Mr Baird: With respect to those young people who are medically fragile and require assistance, we put substantial resources in recent years of more than \$17 million of additional support. I believe that there's—

Interjection.

Hon Mr Baird: The member opposite asked a very legitimate question. I'm trying to take a moment to answer it, but she doesn't want to hear it.

PUBLIC TRANSIT

Ms Marilyn Mushinski (Scarborough Centre): My question is for the Minister of Transportation. There's little doubt that promoting public transit, I think we all know in this House, helps to alleviate traffic congestion, reduce traffic volumes on our highways and also improve the quality of life for the people of the province by reducing commuting times and improving our air quality.

Today, there are more than 12 million people across this country who actually use transit. Those who use public transit make about 1.5 billion trips and travel about 15.5 billion passenger kilometres each year.

Minister, could you please tell this House what this government is doing to assist public transit authorities throughout Ontario to maintain transit systems that are safe and efficient?

Hon Norman W. Sterling (Minister of Transportation): Our government certainly recognizes the need for a balance in integrated transportation systems. I can tell you that this government is doing its part to promote public transit in this province. In fact, we've made a clear commitment—something that no previous government has ever made—of \$3.25 billion over 10 years for renewing and enhancing our public transit system.

For example, we gave \$12.8 million to the city of Ottawa to buy 79 new buses to replace some of their older fleet. We gave up to \$912,000 to the city of London to fund projects, including expanded bus services to newly amalgamated areas, and up to \$250,000 to the city of Cornwall to implement an electronic fare collection system. The city of Toronto will receive \$126 million in 2002 to renew TTC infrastructure and improve service.

We are there. We are supporting public transit—

The Speaker (Hon Gary Carr): I'm afraid the minister's time is up. Supplementary.

Ms Mushinski: Thank you, Minister. That's important information for my constituents in Scarborough Centre to know.

Despite the additional \$565 million annually in property taxes that the city of Toronto received as a part of local services realignment, as well as hundreds of millions of dollars this government has invested in the TTC since 1995, we know that the TTC is expecting yet another \$78-million shortfall this year. A fare increase may have a detrimental effect on ridership at a time when the public concern is growing about an increase in traffic throughout the GTA. Minister, what other solutions exist to keep fares down and the infrastructure up to date in the future?

Hon Mr Sterling: There are a number of things municipalities can look at. One is to increase the density of their residential population close to the subway, bus transit stations and those kinds of things, something the city of Toronto has not done in the past in terms of some of their planning.

We also encourage the use of innovative partnerships that can deliver high-quality service at a lower cost to taxpayers. As Golden Horseshoe communities put forward projects for the extension of GO Transit services, partnerships with the private sector are encouraged wherever beneficial to the public. In fact, GO Transit currently contracts out all of their rail operations and maintenance and has achieved a higher level of cost recovery than the TTC.

Many other cities have done the same and have shown better results than the TTC. Stockholm, Copenhagen—

The Speaker: I'm afraid the minister's time is up.

RACCOON RABIES

Mr Ernie Parsons (Prince Edward-Hastings): My question is to the Minister of Natural Resources. Minister, you're responsible for both managing wildlife and treating citizens with dignity. On September 12, your ministry raided the Ottawa-Carleton Wildlife Centre, a world-recognized facility. Unbelievably, they had let a squirrel go more than one kilometre from where it was found, and they had raccoons in their possession.

You got a court order to seize them, although your staff didn't have the courtesy to show the court order. They tricked their way into the facility. Twenty police officers put a perimeter around it to keep the media away and 25 of your conservation officers in bulletproof vests managed to overpower the three female employees in it. You seized 34 healthy young raccoons and one skunk, all from within Ottawa, which has no rabies. Read the local media about it.

Minister, will you apologize to the staff for the brutal treatment they experienced from your staff and will you return the animals to the centre, because you cannot prove that they have rabies?

Hon Jerry J. Ouellette (Minister of Natural Resources): I thank the member opposite for the question. As we know, a lot of profile has been brought to this issue.

Very specifically, we are concerned with the safety of individuals in that area. Raccoon rabies is a new strain of rabies coming into Ontario and we are doing everything we can. When it comes to the safety of the people in that part of the province, we are going to ensure they are safe. We are also monitoring and keeping track of those raccoons to ensure they are well taken care of.

Mr Parsons: You have a full-service ministry: you're bad to both animals and humans. In fact, your ministry is the worst enemy of raccoons in this province. Your own data—and you know it—show that rabies is moving away from Ottawa, yet your staff have killed 7,000 raccoons and found only 14 that possibly have rabies.

Killing every raccoon to save them is not smart. How far are you going to go? Wipe out every animal in Ontario until rabies is finished? Wildlife rescue centres are your allies; they're not your enemies.

I ask you again, will you apologize for the brutal way your staff took over that animal wildlife centre, will you return the animals and will you meet with the rescue centres and work with them co-operatively instead of the confrontation and bully tactics you have used?

Hon Mr Ouellette: Clearly, what the member opposite has asked us to do is to direct police forces and law enforcement agencies. This ministry and our government do not in any way, shape or form direct enforcement officers on how they are going to react and deal with situations.

We will ensure that the best interests and the safety of the people of Ontario are looked into and taken care of.

1450

QUEEN ELIZABETH II WILDLANDS PROVINCIAL PARK

Mr Norm Miller (Parry Sound-Muskoka): My question is also for the Minister of Natural Resources. Minister, I think I speak for everyone in the Legislature when I say that having Queen Elizabeth II visit our province recently was a tremendous honour. As we know, it was her Golden Jubilee. This government decided to memorialize this special occasion in a truly unique way.

Could you please explain to us here today how the government—

Interjections.

The Speaker (Hon Gary Carr): Member from Ottawa Centre, come to order, please. Sorry, member.

Mr Miller: Thank you, Mr Speaker, for getting control of things.

Minister, could you please explain to us here today how the government has decided to remember this very special time when Queen Elizabeth II visited Ontario?

Hon Jerry J. Ouellette (Minister of Natural Resources): I thank the member from Parry Sound-Muskoka. It truly was exciting for the province of Ontario to have Her Majesty celebrate part of her Golden Jubilee here in the province. That's why we are proud, as part of the government, to announce the Queen Elizabeth II Wildlands Provincial Park, the largest park established to date under Ontario's Living Legacy. It's very special for the member from Parry Sound-Muskoka as well, as a major portion of that park is found in his riding.

Queen Elizabeth II Wildlands Provincial Park will link Ontario's priceless natural legacy with the living legacy of the monarchy.

Mr Miller: Thank you, Minister, for that answer. I would like to agree with the minister and say that this truly is a wonderful way to commemorate the occasion of Queen Elizabeth II visiting Ontario. I'm also happy to note that part of this new park is in the beautiful riding of Parry Sound-Muskoka.

Minister, could you explain to us here today how this park came to be and what features of this park make this park so special?

Hon Mr Ouellette: Queen Elizabeth II Wildlands Provincial Park is approximately 335 square kilometres and is approximately 100 to 150 kilometres north-northeast of here. The park was originally regulated as Dalton Digby Wildlands Provincial Park, which were two of the five townships the park was located in. There are dozens of lakes and rivers, including the well-known Victoria Falls, which is a series of waterfalls on the Black River. The park also contains other biologically significant areas such as the Sadowa and the Lewisham wetlands. Also, Ontario's only lizard, the five-lined skink, is found in this very majestic park named after Her Majesty Queen Elizabeth II.

ENGLISH CLASSES

Mr Rosario Marchese (Trinity-Spadina): My question is to the Minister of Education. Minister, I want to talk about the importance of English-as-a-second-language programs.

I want to tell you, I came to Toronto from Italy in 1962. I was supposed to be in grade 4, but they put me into grade 3. That very first day, the teacher asked me a question in mathematics which I didn't understand, and immediately I was put into grade 2. I didn't have the benefit of ESL.

Many new Canadians today are not getting the ESL help they need. The number of ESL programs and ESL teachers has dropped in the last five years. There are more and more new Canadians and fewer and fewer ESL programs. Why would you let that happen?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I'm not sure that all of the facts he has enunciated are exactly as he has represented them, because I can tell the member opposite that funding for ESL has increased every year since we introduced student-focused funding in 1998-99. In fact, this year, 2002-03, it is projected to be approximately \$168.5 million. That is a 50% increase, as compared to 1998-99.

Mr Marchese: I'm not quite sure why the minister would boast about kids not succeeding very well. I'm not sure why you boast that you put so much money into ESL. In the survey that People for Education have done, one third of the schools no longer offer ESL and we have one third less ESL teachers. These kids don't have academic programs. We know that if they learn English, they'll succeed. Why would you wilfully limit the academic and career choices for so many new Canadians? Why would you do that?

Hon Mrs Witmer: All the initiatives that our government has introduced have been introduced with the intention of helping students achieve success.

I would just say to the member opposite, as far as the survey he refers to is concerned, that we have to question the methodology because it only deals with schools that

have actually reported, and so the numbers certainly are not terribly accurate.

I would just refer you to a quote from the Honourable David Cooke, Minister of Education and Training, a member of your party. When asked about ESL, he said, "There's no doubt it's important. We're doing the best we can. We can't spend as much money as we would like to spend because we all have financial constraints." Then he went on to say, "Do you know what? It's obviously a need. Maybe we need to call upon the federal government to help us."

PETITIONS

POST-SECONDARY EDUCATION FUNDING

Mrs Lyn McLeod (Thunder Bay-Atikokan): I have a petition to the Legislative Assembly of Ontario:

"Whereas average tuition fees in Ontario are the second-highest in Canada; and

"Whereas average undergraduate tuition fees in Ontario have more than doubled in the past 10 years; and

"Whereas tuition fees for deregulated programs have, in certain cases, doubled and tripled; and

"Whereas Statistics Canada has documented a link between increasing tuition fees and diminishing access to post-secondary education; and

"Whereas four other provincial governments have taken a leadership role by freezing and reducing tuition fees;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to:

"Freeze tuition fees for all programs at their current levels, and

"Take steps to reduce the tuition fees of all graduate programs, post-diploma programs and professional programs for which tuition fees have been deregulated since 1998."

This is signed by literally hundreds of concerned constituents in my riding. I affix my signature in full agreement with their concerns.

LONG-TERM CARE

Mr Alvin Curling (Scarborough-Rouge River): This is a petition to the Legislative Assembly of Ontario, and it reads:

"Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

"Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

"Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

"Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"Therefore, be it resolved that we, the undersigned petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels."

I will affix my signature and give it to Matthew to bring it forward to the desk.

NATURAL GAS RATES

Mr Pat Hoy (Chatham-Kent Essex): I have a petition to the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore be it resolved that we the undersigned demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas; and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

This petition is signed by a number of residents of Chatham, Pain Court, Grande Pointe and Wallaceburg, and I too have signed this petition.

1500

The Speaker (Hon Gary Carr): Further petitions?

Mr Steve Peters (Elgin-Middlesex-London): I also have a petition regarding Union Gas, signed by over 1,000 of my constituents.

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month

for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners;

"Therefore, be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases."

I'm in full agreement and have affixed my signature to the petition.

LONG-TERM CARE

Mr John Gerretsen (Kingston and the Islands):

This deals with the long-term-care situation. The petition has been signed by people from Gloucester, Picton, Mississauga, Fenwick, Wainfleet, Caledon, Cobham, Thorold, North York and Newmarket. It reads as follows:

"Whereas the Eves government has increased the fees paid by seniors, the most vulnerable living in long-term-care facilities, by 15% over three years, or \$3.02 per diem in the first year and \$2 in the second year and \$2 in the third year, effective September 1, 2002; and

"Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month after three years; and

"Whereas this increase is above the rent increase guidelines for tenants in the province of Ontario for the year 2002; and

"Whereas, according to the government's own funded study, Ontario will still rank last among comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

"Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

"Whereas the government needs to increase long-term-care operating funds by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

"Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Demand that Premier Eves reduce the 15% increase over three years in accommodation costs to no more than the cost-of-living increase annually and that the provincial government provide adequate funding for nursing and personal care to a level that is at least at the

average standard for nursing and personal care in those 10 jurisdictions included in the government's own funded study."

As I mentioned before, this has been signed by literally hundreds of individuals from all over the province. I agree with it and have signed it accordingly. I'm handing it now to Hin-Hey.

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): The petition is related to Union Gas. Retroactive delivery charges continue to come in, and we're still hoping that they will back off and not collect the \$120 charge.

The petition reads:

"To the Legislative Assembly of Ontario:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million;

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship;

"Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

"Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

I am absolutely in support of this petition, and I am very happy to add my signature to it.

The Speaker (Hon Gary Carr): We have some more, do we? Petitions? Who hasn't been up? The member for Prince Edward-Hastings.

WILDLIFE REHABILITATORS

Mr Ernie Parsons (Prince Edward-Hastings): A petition to the Legislative Assembly of Ontario:

"The unreasonable and inhumane restrictions that the Ontario Ministry of Natural Resources is placing on wildlife rehabilitators with respect to the release of orphaned animals will eliminate their ability to help wildlife; and

"Whereas wildlife rehabilitators provide an essential public service for many thousands of people seeking help on behalf of orphaned and injured wildlife in Ontario; and

"Whereas the unreasonable release restrictions imposed on wildlife rehabilitators by the OMNR will prevent responsible wildlife rehabilitation, not only compromising wildlife and frustrating the public but

forcing it underground and jeopardizing public safety; and

"Whereas this will incur significant new costs for local governments with respect to bylaw and public health and safety interventions while creating an emotional and volatile climate because the majority of people in Ontario are simply unwilling to see healthy young animals euthanized;

"We, the undersigned, are deeply concerned that the release restrictions imposed by the Ontario Ministry of Natural Resources will eliminate the provision of responsible wildlife services in our community; and

"We petition the government of Ontario to work with wildlife rehabilitators to ensure that progressive, humane and responsible regulations with respect to release criteria for rehabilitated orphaned wildlife are put in place in Ontario."

I am pleased to add my signature to over 200 signatures from Ottawa, Acton, Guelph, Rockwood, Stoney Creek, Toronto, Mississauga and Belleville.

HYDRO RATES

Mr Steve Peters (Elgin-Middlesex-London): I have a petition to the Legislative Assembly.

"Whereas the Ernie Eves government promised the people of Ontario that the opening of the electricity market would deliver lower hydro rates and improve service; and

"Whereas hydro rates have risen 21% over the past five months since the opening of that market; and

"Whereas consumers have been advised to expect power shortages in spite of higher costs; and

"Whereas consumers have not been adequately informed about the unbundling of charges and therefore do not understand and cannot reconcile the charges shown on their hydro invoices;

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government convene a legislative committee to oversee electricity issues in order to inform and protect the public interest."

I'm in full agreement and have signed this petition.

CHIROPRACTIC SERVICES

Mr Pat Hoy (Chatham-Kent Essex): I have a petition to the Legislative Assembly of Ontario.

"We, the people of Chatham-Kent and Essex county in Ontario, need a program and health care system where every person who wishes to receive chiropractic services has full coverage, as they would at a visit to the doctor's office.

"We, the undersigned, petition the Legislative Assembly of Ontario: that chiropractic services be covered through OHIP."

It's signed by a number of residents from Blenheim and Chatham, and I have signed this petition.

CHILDREN'S MENTAL HEALTH SERVICES

Mr Michael Gravelle (Thunder Bay-Superior North): Children's mental health services are in great crisis in Thunder Bay. I've got a petition to read to fight for more funding from the province.

"To the Legislative Assembly of Ontario:

"Whereas the children and families with the Lakehead Regional Family Centre deserve to have quality and timely children's mental health services; and

"Whereas for the first time Lakehead Regional Family Centre has a deficit budget of \$200,000 due to the lack of adequate funding from the provincial government and the sharp increase in the demands for children's mental health services in the city of Thunder Bay; and

"Whereas referrals to Lakehead Regional Family Centre have increased 150% since 1995, and no additional permanent funding has been received to help meet the needs of our community; and

"Whereas since 1993, the government's investment in core funding for children's mental health services has declined by 8%, and salaries for staff are up to 30% lower than in hospitals and other government services; and

"Whereas according to the Canadian Journal of Psychiatry, 18% of children and youth in Ontario have a diagnosable mental health disorder, and yet Ontario only treats one in six of these children; and

"Whereas without immediate additional permanent funding, children's mental health services could be severely restricted to those children and families who need it the most;

"Therefore we, the undersigned citizens of Ontario and residents of the city of Thunder Bay, petition the Legislative Assembly of Ontario as follows:

"For the provincial government to provide an immediate infusion of additional permanent funding to the Lakehead Regional Family Centre to help fight the crisis situation facing children's mental health services in the city of Thunder Bay."

I support this strongly and am happy to add my name to the petition.

IPPERWASH PROVINCIAL PARK

Mr Ted Arnott (Waterloo-Wellington): I have a petition signed by 18 of my constituents who are members or adherents of the Elora United Church. It demands that the provincial government immediately call a public inquiry into the 1996 killing of Dudley George.

NATURAL GAS RATES

Mr Steve Peters (Elgin-Middlesex-London): More petitions concerning Union Gas:

"Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system

operation costs that occurred during the winter of 2000-01; and

"Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship;

"Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government issue a policy directive disallowing the retroactive rate hike granted to Union Gas, and demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases."

I am in full agreement and will sign my name to this petition.

1510

HYDRO RATES

Mr James J. Bradley (St Catharines): "To the Legislative Assembly of Ontario:

"Whereas electricity bills have skyrocketed under the Harris-Eves government's flawed electricity plan; and

"Whereas some consumers have signed higher fixed-rate contracts with retailers without adequate consumer protection; and

"Whereas the Harris-Eves government has failed to address electricity supply shortages in Ontario, forcing the purchase of American power at premium prices, driving up prices still further; and

"Whereas the Harris-Eves government appointed a board of directors for Hydro One that has been paying themselves extravagant salaries, compensation packages and severances for senior executives; and

"Whereas Hydro One bought 90 municipal utilities, serving about 240,000 people across Ontario, at premium prices and with borrowed funds. These purchases with borrowed funds have increased Ontario's debt burden; and

"Whereas the Harris-Eves government has added additional fees and taxes on to local electricity distribution companies. These charges have also been passed along to consumers;

"Therefore be it resolved that we, the undersigned, demand that the Harris-Eves government take immediate action to ensure that Ontarians have fair and reasonable prices for the necessary commodity of electricity in Ontario and that the Harris-Eves government and its leader, Ernie Eves, call a general election on the instability of the energy market so that Ontarians may have a voice on this issue."

I affix my signature. I am in complete agreement.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Tim Hudak (Minister of Consumer and Business Services): I move that, pursuant to standing order 46 and

notwithstanding any other standing order or special order of the House relating to Bill 179, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts and by enacting one new Act, when Bill 179 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time the bill shall be ordered referred to the standing committee on justice and social policy; and

That the vote on second reading may, pursuant to standing order 28(h), be deferred; and

That the standing committee on justice and social policy shall be authorized to meet for one day at its next scheduled meeting time for the purpose of consideration of the bill; and

That, no later than 4 pm on that day, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond its normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the standing committee on justice and social policy, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Speaker (Hon Gary Carr): Mr Hudak has moved government motion 47. Debate? No. OK, then we go across the floor.

Mr Ernie Parsons (Prince Edward-Hastings): Once again, we're seeing debate limited. This government has chosen to do time allocation on any bill that may have any substance at all. Again, the voice of the citizens in Ontario is being stifled. I can understand why they want to stifle it on this bill, because this is so all-encom-

passing. It's called an omnibus bill. It is 247 pages. I don't know how well it shows on a TV camera but it is a massive document that affects almost every aspect of life in Ontario. The government doesn't want to debate it. The government wants to get it over with because it is better that people not know what legislation is being passed.

That is terribly sad for democracy. This government has slowly chipped away, slowly taken the powers of this Legislature and concentrated them in the Premier's office. There's a sadness in my heart when I think of what people have done to preserve democracy, when we think of various other countries in the world where people are prepared to die to get democracy, and we ram things through.

The member for Beaches-East York went through last week and read every act that is amended by this. I compliment him on it, because it took quite some time to do the reading.

I'd like to talk briefly about the act and why we're opposed to it simply being rammed through without full public debate. There are a multitude of reasons in here, but we can start with the independent health facilities. We have these all over Ontario and you can go and get your X-rays or sonograms done at them.

At one time, when they were going to be sold, there was preference given to another Canadian operator. That's gone. That was gone before this Bill 179 was ever put before the House. There was no interest in preserving our medical system in the hands of Canadians. The most likely candidate to purchase, other than a Canadian, is someone from the United States, and their experience with health care should cause a shudder to go through all of us, with their costs.

They've now changed it in this Bill 179. There used to be a cap on it. You took whatever billings the clinic had billed over the previous year and they were allowed to settle for not over 104% of those billings. There's no cap now. It's up to the minister. This is just begging for for-profit corporations to come into Ontario and exploit—and I'll use the word "exploit"—the citizens of this province. We're moving very steadily toward two-tier medicine.

It happens a little bit at a time. This government says, "Nothing changes. This bill makes a couple of little minor amendments." We get a whole bunch of little minor amendments and pretty soon health care is totally different than it was. I would suggest that health care now is totally different than it was in 1995. In 1995 we didn't have the waiting rooms, we didn't have people without doctors and we didn't have people with money moving to the front of the line. This is one of the steps in enabling that to happen. That's very sad.

This bill also changes some appointments from being made by the Lieutenant Governor to being made by the minister. The difference is that it removes the right of the people of Ontario to find out what's going on using freedom of information.

We need only look at Hydro One. Hydro One was structured so that the citizens of Ontario would get an

absolute minimum amount of material. That philosophy continues today. It's only through marketing offerings that we found out that the president of Ontario Hydro was making \$2.2 million and that we were helping to drive the president's children to school in a limousine each day. At the same time, that limousine would be passing people who were living on the sidewalks, with no home and no food. What a contrast. This bill moves more toward concealing the information that should be available to the public, but, again, it is being barred.

There is some absolutely silly stuff in here that I can't understand the government's lawyers wanting to work on. If someone now wants to know the number of vacation days they have, they're allowed to ask that only once a year. We've got bigger issues than putting through legislation to restrict that. You've already put through legislation that bars someone from having the right to have two weeks off continuously. Now they can only ask once a year. Surely we have something more.

Domestic violence: this is something that perplexes me. A government that purports to oppose domestic violence and in fact has spent some very good money on very good programs is now saying it will be phased in. The things necessary to get a restraining order and having 24-hour-a-day, seven-day-a-week access to a restraining order are going to be phased in. That wasn't mentioned at the press conference. We're talking about people's lives. There's money for cabinet ministers' expenses; surely there would be money for stopping domestic violence, or as much as can be stopped, now, not in a few years. That's not very efficient. That's a long way from efficient and yet they call it An Act to promote government efficiency. I guess a reduction in service may, in some ways, be construed as improving efficiency because you don't have to spend money to do what you have to do. But in this case, I want you to spend the money to save people's lives.

1520

The 407: this government continues to have a love relationship with the corporation that owns the 407. In a secret deal to sell it to them, they in turn have provided absolutely terrible service, even in my rural riding, Prince Edward-Hastings. I have people getting bills from the 407 corporation, and yet they've never been in this area or driven on the 407. Now, when they go to contact 407 the phone is not answered. The light may be on but nobody's home. Now we're seeing that if a cheque to the 407 is bounced, for whatever reason—we certainly don't condone cheques to bounce—this government uses all of its weight as a collection agency for this business.

There's no other business that you do that for. Why are you doing it for the 407 that you would take away the driver's licence if a cheque bounces? I have small grocery stores in my community who take cheques, and if it bounces, they're in trouble. They're often in deep financial trouble and they may have trouble recovering the money and it is a cash flow problem for them. This government says, "You're on your own." But, the 407 and the 407 only, this bill will remove the driver's

licence if someone issues a bad cheque. I guess it pays to be a friend of the Conservative Party because they very clearly look after their friends with this 407 bill.

Longer trucks: I had the pleasure last Friday of speaking to the sheep marketing agency annual meeting in Guelph. I drove back from Guelph to my home in the riding on a dark night in the rain. One of the challenges of driving in a rainstorm is passing trucks and the amount of mist that comes up from them. A dark night, and the traffic lines are not well-painted. They used to be before 1995, but the traffic lines are faded heavily in some areas. When you get into where the 401 is four or five lanes wide, it's difficult to see where the line is. These trucks put up a huge amount of mist that makes it very difficult to pass a truck that's going in the same direction. This bill will allow the Minister of Transportation to extend the lengths of trucks that are allowed. Already they're a problem; this will only extend it. I would suggest that is not an efficiency—efficiency might actually be putting those trucks on railway cars and moving them from one city to another. But certainly extending it is rather scary, and we're going to hand the minister that power.

It's interesting when we look at this efficiency bill at what's not in the bill. I've always been amazed, since 1995, when this government pointed out just how inefficient school boards are. They were going to take money out of the administration and put it in the classroom and they were going to make school boards more efficient—even though school boards spend in the area of 1% to 2% on administration, which is as good as any industry could match. When this government took over school boards, when they are actually responsible for the decisions, if we look at Ottawa, and they said, "There's money being wasted here," did they cut administration? No. They cut classroom teachers—appalling, classroom teachers for special education students and educational assistants for special education students.

When the government took over Hamilton, did they cut administration costs? No, there wasn't fat there, in spite of what they've said. They cut special education. I would suggest to you that special education students are not inefficient. They are a good moral and financial investment, and a responsibility for us.

In Toronto, are we seeing admin cut? No, we're seeing a tax on special ed and swimming pools. Swimming pools may be viewed as a luxury for most of rural Ontario school boards, but in Toronto, it is the only access students have to that type of physical activity.

You want to talk about efficiencies that should be addressed in this bill: the Family Responsibility Office. I challenge every member on the government side to do some calculations and find out how many hours a day your staff spend dealing with family responsibility issues that the Family Responsibility Office is not handling. It's not that they don't want to handle them well. The trouble is that you cut staff so very heavily there that three quarters of the accounts are in arrears. When we say three quarters of the accounts are in arrears, we mean that three

quarters of the children who rely on payments through the Family Responsibility Office are not receiving the money they need for shelter, clothing and food. Your savings are costing thousands and thousands of children—

Mr Dave Levac (Brant): Two hundred thousand.

Mr Parsons: Two hundred thousand children are being shortchanged by your trying to save some money. But again, there seems to be no cap on expense claims.

Farms: how are you making farms more efficient? Well, you closed all the agricultural officers in southern Ontario. That was efficient because it reduced the money you had to spend, but it greatly increased the challenge. I will throw another challenge at you that needs to be addressed: where are the young farmers in Ontario? They're receiving no support from this government; they have a mammoth task. There is a day coming very shortly in Ontario when we will have a problem, when we do not have young farmers to replace the existing farmers we have.

Indeed, not only are you not helping young farmers, but when this Legislature passed the Oak Ridges Moraine Protection Act, and it was a good act, you didn't move on from there and say, "What else has to happen? What do we have to deal with?" We are seeing some of the prime land in Ontario, A1 agricultural land, being used for development. That causes prices such that a young farmer can't even consider getting into the business. If you want to do something with an efficiency act, do something that keeps food on the table here in Ontario and that keeps our farmers at work.

Water: we're hearing lots of rhetoric about your actions to improve the quality of water, although you didn't even want to hold the inquiry initially. I suggest that you would invest money wisely to look at the whole issue of the disposal of our garbage. Don't let it go in the ground and pollute the groundwater. Instead of spending money on getting the bad stuff out of the water, why don't you spend a little money and do a whole environmental assessment on every possible source of pollution, every garbage dump, and make sure we're not contributing to the problem in future years? There should be no more groundwater pollution. And when your government shortcuts the environmental impact study, when they remove a lot of the questions so we can fast-track and get this garbage in place, that is not very efficient. That is a disservice to the people of Ontario.

The Acting Speaker (Mr Michael A. Brown): Further debate?

Mr Gilles Bisson (Timmins-James Bay): I am glad to be able to participate in this debate. This is time allocation—what's the number now? I've got to look across the way; somebody for sure is going to tell me.

Mr Joseph Spina (Brampton Centre): The third one.

Mr Bisson: Oh, yes, the third time allocation motion—in your dreams.

We're now time-allocating the Government Efficiency Act. It's become a matter of course around here that we have three days of debate at second reading and then we

have a time allocation motion on the fourth day. I just think that's rather sad. It says something to the point that democracy within this province and within this Legislature has gone, has kind of slipped away. It says something about the kinds of changes we have to make in our Legislature to make it work properly.

Some people back home are going to say, "What difference does it make if you time-allocate something? I really don't care. I don't really pay any attention to this. I don't watch it very closely." I just say to people, "There is a process in Parliament, at both the federal and provincial levels, that says you're supposed to have a proper amount of time to look at bills, to reflect on where they're strong and where they're weak, and, where they are weak, hopefully to have an opportunity to bring them into committee and have some further discussion with the public, where they get to come and present before us, and we, as legislators, sit back and think about what they've said and then try to strengthen the bills, so that at the end of the day the bills that are passed by our Legislature are stronger bills."

Unfortunately, that's not the case. What we've been doing around here, especially since the Conservatives have taken office—in fairness, some of this was done by all governments. The Liberals brought the idea of time allocation into this Legislature, we in the New Democratic Party certainly used it when we were in office, and the Tories have become masters at it. By and large, every bill that comes through this House is time-allocated. At least before, it was just the odd bill. When we were in government, it was sort of the government initiative bills that would go by time allocation motion. The rest would go by way of regular debate. The Liberals before that, as I said, had the opportunity to time-allocate a number of things, including some rule changes they made.

1530

I just say it's rather sad, because here's a really good example of a bill that should be allowed to go to committee in order to make some amendments. There are certain things in this Government Efficiency Act that I can support as a member in the opposition. There's some stuff in here that I think is not a bad idea. But lumped within this particular bill are a number of problematic issues that I think don't belong in this bill and don't belong on a legislative agenda. Because of the process that the government has undertaken—three days of debate at second reading, time allocation, and boom, you're in third reading and it's gone—here we are with a bill that says a number of things that are problematic, and I just want to go through a couple of them.

One of them is under the Employment Standards Act. The government is making a change. They're saying that if you're in a non-unionized environment—I'll just use this as a scenario—and you have, let's say, four weeks of holidays, under the old Employment Standards Act if you wanted to ask your employer, "Listen, I've got four weeks of holidays. I want to take three of my four weeks to go fishing this summer," or "My wife and I are taking a trip somewhere in the fall," you had the ability to do

that. Under changes that this government made prior, it gives the employer the opportunity to say, "No, no, you can't take three weeks straight. You have to unbundle your holidays and you're going to take three days here and four days there and three days here," so that people can't take their continuous holidays in one consecutive session.

I say that's rather unfortunate, because the whole idea of holidays is not only to give people a break from work so they can go out and refresh themselves and come back to their employers with all kinds of energy to perform better; it's also about supporting the tourism industry here in Canada.

If you take a look at the experience in France, they have a system that on day one, when you walk into an employer, the state provides you, by legislation, five weeks' or four weeks' holidays in the first year. As a consequence, France has built the largest tourism industry in all the world. There are more people who holiday and travel in France than in any other country in the world. A lot of people don't recognize that. The reason for that is not only that France is a nice place to visit for those of us who come from abroad, and I've been there a number of times, but people living in France travel. That's the stat that is really interesting. It says that as a percentage, if you were to work out the ratios, there are more French people travelling within France, in their own country, than there are Canadians travelling in Canada or Americans travelling in the United States etc. One of the reasons for that is that the French have encouraged people to take holidays.

This government, by way of a previous amendment to the Employment Standards Act, has said, "You're allowed to take your holidays continuously for those four weeks," if you have four weeks, "but the employer reserves the right to limit that." So if the employer decides that you're only taking three days here and four days there, there's nothing you can do about it as an employee, provided that you get your total four weeks within a calendar year.

Now the government comes with an amendment to what I think was already a bad decision. This is one of the reasons I would like this bill to go to committee. One of the things they say under the Employment Standards Act is that they are going to make it a law that the employer only has to tell the employee—get a load of this—once in a calendar year how many holidays he or she has coming. So figure this one out. I go to my employer on January 1 and I say, "Hey, this year I get four weeks of holidays. Mr Boss, Mrs Boss, I get four weeks, right?" "Yes, no problem, Gilles, you've got four weeks." "OK, cool. I want to book three weeks in April. My wife and I want to go to Florida." "Oh, no, you can't do that. Under the old legislation I'm allowed to say now that you can only have three days there and another week over there." "Oh, I can't take my holiday. Well, thank you very much, Mr Boss, Mrs Boss. I'm going to go out and make my arrangements."

You go out and you take your first week's holiday in April and then you come back and say, "Honey, spring-

time is in the air. The cottage needs opening up. We've got a little bit of work to do there. I think I'm going to go to my employer and say, 'Can I have my other week?'" So I go to my employer and say, "I'm not sure how many holidays I've got coming to me. I've taken three days and two days there and another day over there because you didn't allow me to take my holidays continuously. How many holidays do I have, Mr Employer?" "I don't have to tell you," says the employer. "What do you mean, you don't have to tell me?"

The law, according to the amendment made in this act, says that an employer is only required once in a calendar year to tell an employee how many holidays he or she has coming. Isn't that silly, absolutely silly? I couldn't believe that when I read it in the legislation, but in this act there is a provision to amend the Employment Standards Act so that employers are not required more than once per year to inform employees how many holidays they've got coming. What a silly, silly piece of legislation that I would say has nothing to do with common sense. If this bill got to committee, I think most Conservative members would agree with me and we'd repeal that part of the legislation.

Another part of the legislation that I have great difficulty with deals with the Ministry of Training, Colleges and Universities. It goes as follows: The act establishes terms and conditions of agreement related to the administration of student loans. This includes the authority to require performance bonds and loan-default sharing agreements as a condition for the students to be eligible for loans.

That's completely the opposite of the direction we've got to go, I would argue as a social democrat. We are a knowledge-based economy. In other words, the more people we have in our economy who are working that have high degrees of training and skills, the better our economy will do, because that's how we compete in this new modern economy. We can't compete as Mexicans or as Puerto Ricans or as people in Thailand or Vietnam. They basically compete on their wage rate, the low standard of wages they pay their employees and employment standards acts that are nothing like ours when it comes to working conditions. We have to have something that allows us to compete in our own way. How we compete, quite frankly, is by having people who are well trained, well schooled in the colleges and universities with the skills he or she might get as they go through post-secondary education.

My argument is that this particular amendment is going to make it more difficult for students, after high school, to get into college or university. We already know that students that decide to go to college or university, by and large, have to go into debt, significantly large debt, to be able to get that post-secondary education.

What we're now saying is that we're going to add some conditions to make sure the government is able to collect on default loans, basically have students sign promissory notes that are pretty severe. I can tell you, as a young person who was making a choice to go to college

when I went way back when, it would have been very difficult to make that decision to sign that kind of document knowing that the government could hold that hammer against me. If you're going into any kind of graduate studies, tuition in a graduate studies program is at least—it's gone up to about \$7,000 to \$10,000 a year, and you've got to go for a period of five years? Do the math. Students are going to be sitting back and saying, "This is kind of scary stuff."

I would argue that we should be doing exactly the opposite. What we should be doing, what we've been suggesting as New Democrats here in Ontario, is to take a look at some of the European models. Specifically, let's look at what Ireland has done. Ireland, the basket case of economies 20 years ago, basically a have-not economy in Europe, made some very fundamental decisions. One of the key things they said was, "We will make the investments in education. Specifically, we will make the investments in post-secondary education." You know what they did? They made tuition free. They said, "You don't have to pay to go to college or university. We want to encourage all young people in the free state of Ireland to go to college and go to university and get the skills that are offered at those colleges and universities. Later on, there's going to be opportunity for you." As well, that government did some economic development initiatives that attracted some investment into Ireland.

As a result, it's called the Celtic Tiger. They have had, over the past seven to 10 years, a huge, phenomenal response to foreign investment. Why? Because they have the knowledge base within their economy. They got the young engineers, the young professionals who are there, capable, willing to work, who have the energy and, more importantly, have the training.

How did they do that? The government made a policy decision. Rather than investing in a tax cut, as this government has done, they invested in education and gave the young Irish people opportunity and hope by allowing them to go to college or university without a tuition cost.

I would argue that this bill, the Government Efficiency Act, basically—as I said at the beginning, parts of it I can support. I can't support that particular bill because of what I just read as part of this act. It goes completely in the opposite direction from what I believe as a social democrat.

So I say to the government, that's why we shouldn't be time-allocating bills. That's why these bills should have proper House time and proper committee time, so people can come before us and talk to us about these initiatives and tell us how you deal with the issue of collection if the government is going to have an OSAP program in a way that we're not going to scare students out of the school system.

1540

Then they've got another amendment in this one. This one really takes the cake. I know my good friend Michael Prue has raised this with me a number of times, and we've chatted about this. This is the 407 debacle. Here's the situation with Highway 407: you buy your trans-

ponder to run up on the 407 and you stick the transponder up on your windshield. You're running down the road and you've been doing that for about a year, for two years or three years, in some cases, and every time you go through with that little sensor it says, "Here comes Gilles Bisson's car. Send him another bill."

Now we've found out that they've got a problem: the little batteries die inside those transponders but there's no mechanism to let you know that the battery is dead. There's no little warning light. There's no little beeping that comes to the unit. There's nothing to indicate your battery's dead, so you don't know. You just get on Highway 407 and you go like you do every morning. All of a sudden, you start getting bills from 407 saying, "You got on this toll highway without a transponder, so we're going to charge you more." You say, "What do you mean? I've got a transponder. Hang on, where's that 407 number? I'm going to call those guys and fix this up." "Beep, beep, beep," you can't get through, or, "Hello, you have reached Highway 407. If you want help, ignore us, because you can press a button and go nowhere."

Laughter.

Mr Bisson: I'm telling you, it's serious. We've made the calls. You can't get through to them.

Here I am with a transponder I've purchased whose battery is dead. I'm being dinged every time I go through and am having to pay for things I shouldn't have to pay for. Here I am calling the 407 corporation—you know, the private sector does it best, eh? I know Mr Gilchrist will get up afterwards and talk on the virtues of the private sector. We all know how good they are. Boy, do they know how to run that highway. Wow.

Mr Steve Gilchrist (Scarborough East): Is the transponder battery working in your plane?

Mr Bisson: The difference, my friend Steve—you're a pilot as well. The transponder battery on my aircraft is checked every year and certified, as you well know. The one inside the car is not.

Anyway, I just say that here we are in a situation where you're trying to call the 407 corporation to say, "Please, issue me another battery or another transponder. I've got to get this fixed because I keep on getting dinged." You can't get through, so you say, "Not a problem; I'm going to go to the kiosk," because they've got the 407 kiosk where you should be able to go and get this dealt with. You go to the kiosk and they say, "Sorry, can't help you. You've got to call the 407 corporation." "Well, I can't get a hold of them. That's why I came over here." "Sorry, there's no way we can call them because there's no telephone at the kiosk." It's one great big vicious circle after another.

Here is where it gets even better. This is where it comes to this bill. Now I've been charged—I don't know. If I travel every day, that means two trips per day. I've been after 407 for a period of three or four weeks trying to get this straightened out. It hasn't been straightened out, so it means for 20 trips times two, for 40 charges now, I've been charged as if I don't have a transponder. That all adds up to money.

Finally, I get my transponder problem fixed because I finally got a way of getting this fixed, but here's the fun part: I've been charged for this fee I shouldn't have to pay because my battery was dead, so I decide not to pay it. I say, "Listen, it wasn't my fault that you guys never answered your phone. It wasn't my fault that there was no indication to tell me the battery was dead. It wasn't my fault at all. I'm paying for what I've used and I'm not paying those extra charges." They're going to say, "Too bad. You've got to pay us." "But it wasn't me," I say. Then they say—

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): They'll take your licence.

Mr Bisson: That's where I'm going, Mr Gill. That's exactly where I'm going. Basically, 407 is trying to collect all this money and I'm saying, "No, I don't want to pay you because I shouldn't have to pay you." They say, "No, you've got to pay me," and I say, "No, I don't want to pay you." They say, "Well, it's OK. The government is giving us some teeth. They're allowing us, in this legislation, to take your driver's licence away."

Mr Gilchrist: You're wrong.

Mr Bisson: There it goes. I want to hear my friend the pilot over there talk to me about it a little bit later.

The Acting Speaker: Order.

Mr Bisson: Hello, Speaker. Under this act, they're basically giving the 407 the ability to suspend somebody's licence on the basis of not paying charges they were charged by the 407 corporation.

Certainly we don't want to allow a private sector corporation the ability to suspend somebody's driver's licence. That's a principled item. But most of all, do we want those people to have the right to withdraw somebody's driver's licence on the basis of what I've just described? I don't think so.

I say to the government, we should allow these bills to get to committee. If you think I'm wrong, send the bill to committee. Let's have a discussion at committee. Let's bring the people before the committee who know more about this than you and I put together, Minister of Transportation, and then let's have an amendment if it's necessary, or prove to me that I'm wrong. But there's no mechanism under this process that we have established. We're saying that under the current set of rules we have in this Legislature, there's no time for debate—three days, and everything is time-allocated after the third day—and there's certainly no committee time to deal with the substantive issues inside a bill. So I say to the government, shame on you. That's not the way the process should work.

There are other parts of this bill that really take the cake, as far as I'm concerned. One of the other issues—I'm just trying to find it quickly. I'm not going to get my thumb on it. I wish I could get my thumb on it. It would have been a lot easier if I could have, because I could actually quote the legislation. It's the issue having to do with privatization. One of the things we're doing in the government efficiency bill, as you call it, is giving the

crown and ministers of the crown greater control over what they privatize.

I'm just saying to the government, I know that ideologically you guys support privatization initiatives. I think you're wrong, and I think that giving you a blank cheque to privatize more things is not the way we should do it.

Hon Norman W. Sterling (Minister of Transportation): You started privatization.

Mr Bisson: It was a public-private partnership, Norm. You know that as well as I do.

Anyway, under this act we're giving ministers a bigger ability to privatize than they have under legislative checks and balances that are in place at this point.

I just want to say, while the Minister of Transportation is in the Legislature, that we should look at the Ministry of Transportation to show how good privatization has been.

Every weekend, I go up and down Highway 11 to do things for my constituency. It was—I'm trying to remember, because I was on the highway every morning this weekend. Was it Saturday morning or Sunday morning? It was Sunday morning, and I was driving up to Fauquier. They were having an event up in Fauquier that I was going to, and I was meeting with some workers from one of the local mills up in that area about an issue. I got on the highway at 8 o'clock in the morning to drive over to Fauquier. Normally, it takes about an hour and a half to an hour and 45 minutes. The way I drive, it takes about an hour and 45 minutes. I took off and got on Highway 655. There wasn't one snowplow that went on that highway after we'd had a fair amount of snowfall the night before. Because it was starting to warm up in the morning and all those chip trucks had gone by, I'd say you had three to four inches of slush on the highway all the way to Highway 11. My speed along that road was probably around 60 kilometres an hour. Anything faster than that and you'd end up taking the ditch.

I raise that as an issue, because when the highways were maintained by the Ministry of Transportation, we had people who went around patrolling these roads better than they do now. We still do some patrols; I'll give credit to the minister. We still do some, but they were better patrolled to determine when we needed to put the plows out and when we needed to put the salt or sand trucks out. We also had people working the night shift to make sure those highways were cleared in the evening.

It was 8 o'clock in the morning, and there wasn't a sand truck or a salt truck. There was nothing on the road whatsoever. So I called the person I know who has the contract in that area, because it's done by the private sector. What I was told by the woman who answered the phone—I had to call this particular person at home—"Well, he just got up. He's going out to do it now." It was about 8:30 in the morning, and somebody had just got up to go out and plow a highway that had been snowed on six hours before. I'm just saying that's not the way we should be maintaining highways.

If we're going to be giving ministers of the crown a bigger ability to privatize things, I think we should look

at our track record of privatization and from there determine if we should be doing any more.

I know that when the public accounts committee took a look at the whole initiative of the privatization of winter highway maintenance, it came back as an abysmal failure. In all but one case, we lost money. We were paying more money than we did before, and we were getting less service. Only one contract resulted in any savings. The rest of the contracts cost us more money.

I can tell you—I know that my leader Mr Hampton has raised this, as well as myself and others from northern Ontario—that when it snows, you're really taking your chances out on the highway at the beginning of any kind of snowfall, because you don't know when you're going to see the snowplow show up. It's making for a very dangerous situation on the highways.

The minister will get up and say, "What are you doing driving when it's snowing outside?" Well, in northern Ontario it snows quite a bit. It used to be that there was hardly a case, when it was run by MTO, that the highways would end up being closed. I've seen myself out on Highway 11 and Highway 144 and various places across northern Ontario when it would be basically snowing—I wouldn't say a snowstorm, but a severe snowfall—and you were able to get from point A to point B at reduced speeds. The highway was plowed and you didn't have big ruts that you have to drive down. Now what we're seeing—

Interjection.

Mr Bisson: What's that, Norm?

Hon Mr Sterling: How come we have a better safety record now than we did then?

1550

Mr Bisson: He says, "A better safety record." I would argue that one. When I talk to the OPP they tell me quite the opposite. One of the reasons is that we're having to drive a lot more slowly because you can't go fast on those roads because they're not plowed. That's my point, Norm. I just told you: 60 kilometres an hour on the 655 up to Highway 11. This whole privatization initiative, I would argue, is not really saving us a lot of money.

So I just say to the Minister of Transportation and others, if we're going to give ministers of the crown a better ability to privatize, I think we would want to look at the experiences of privatization in a fair way. The auditor, through the public accounts committee, looking at the privatization initiative of highway maintenance has been about the only case where we really looked at it seriously. From the committee standpoint, it turned out to be an abysmal failure. So I don't know why we want to give ministers of the crown more ability to privatize.

The last point I want to make, because I know my good friend Mr Prue has a lot to say and I want to leave him at least 25 minutes—

Mr Michael Prue (Beaches-East York): Twenty is enough.

Mr Bisson: Twenty is fine? OK. It's neat, how you communicate in this Legislature when you're on your feet.

I'm going to come back to one of my hobby horses, the issue of how democracy doesn't work in this Legislature. I just think that every time we have a time allocation debate, it gives me the opportunity to do that, so I'm going to raise it again. I believe that democracy has somewhat died in this province, as it has at the federal level. I was interested to note—I was listening to CBC Radio on Saturday as I was driving somewhere on Highway 11, or wherever it might have been, and they were talking to Mr Martin, who is running for the federal Liberal leadership race. They were talking about how Mr Chrétien was bringing in his new ethics guidelines, that he had all kinds of scandals in the federal Liberal cabinet, where a whole bunch of people have had to quit because of being caught with their fingers in the cookie jar and that Mr Martin was going to fix all that up and basically improve democracy in the federal House of Commons. I just thought it was pretty laughable, because Mr Martin was I think the architect of much of what went wrong in Parliament in the time the Liberals have been in power. So I thought it was pretty interesting to listen to him talk about trying to improve democracy.

But the point that I thought was well made on that radio program was how our institutions of Parliament, and I would argue the institutions of provincial Legislatures, have very much changed over the years, and not for the better, where the only people who have a very strong say are not government members, but the Premier and the cabinet immediately around him or her. In this case it's always a him. We've never had a woman Premier in Ontario. But basically not even all of cabinet; there are a number of cabinet ministers who probably don't have a lot of power, are pretty frustrated and don't have a lot of say, but just basically P and P and the Premier have most of the say.

Then, all of the government backbenchers have to sit in behind because they're trying to get into cabinet. So they get up and they want to make sure they're seen as being the loudest applauders and biggest supporters of the Premier so they can get into cabinet. So they fall into line. But really there's a frustration that goes on, where members of the House on all sides feel that the process doesn't work.

I think a bill like this is a good demonstration. Here government members, by and large, will vote for this bill. They will all vote for the bill because they're told that is what they have to do, even though there are probably members who disagree with parts of this bill. I would argue that we need to modernize our democratic systems in order to make sure that members, and more importantly the constituents they represent, are well heard in these debates, and that at the end of the debate they've been heard and some action has been taken.

I would argue that the first-past-the-post parliamentary system we have is not a good one, that what we need to do in this province is to take a look at the institutions of Parliament in other countries, where they moved to proportional representation, to take a look at that particular issue as one of the ways of being able to reframe

voters with the electoral system. But I would argue that you need to have a system that says if a political party has had, let's say, 40% of the vote in a general election, they should have no more than 40% of the seats in the House. If a political party has had 20%, then they should have 20% of the seats in the House.

You can have a hybrid system. You can do what Germany has basically said, which in Ontario's reality is that there are 103 ridings. You'd have elections just as we do now. People would vote at the local level for the constituency person of their choice, whoever the candidate might be, from whatever political party. Then there would be a second ballot—one ballot for the local member, the other ballot for the party of your choice. At the end of the election, they would look at the party ballots and say, "All right, the Conservatives got"—at this point, they're down to what, 31%?

Mr Prue: It's 33%.

Mr Bisson: It's 33%. If there was an election held today and they got 33%—they've elected members directly and that gives them 33% of the Legislature—you would bump them up to 33% by way of the list members. The purpose for that would be that the parties would then only have representation in the House based on the proportion of vote they got in a general election.

How does that relate to this bill? It relates very importantly, because now the government has to take every member seriously. All government members and all opposition members have to work together. Now the government can't just pass its agenda at 41% of the vote; they have to rely on opposition members as well.

I look at the new cabinet minister, who hasn't been here before and doesn't understand what it's like to be on the opposite side. I hope after the next election you're lucky enough to come back in opposition, because you probably won't make it to government, looking at the polls.

The argument is, if we were to move to a PR system—

Hon Brad Clark (Minister of Labour): Why didn't you do it when you were in power?

Mr Bisson: I'd like to get into that debate with you. I think we were wrong not to do it. I admit it freely. The NDP government, from 1990 to 1995, should have adopted PR. Unfortunately, it was not in our party platform and it wasn't in our policy at the time. It's an issue we have come to the conclusion should have been done. That's why we advocate it. But the point behind it is that members and parties would have to work together to try to do what's right on the part of the people who elect us. If there was an issue, whatever that issue might be, members would have to come into the House and work together with the other parties to make that happen.

The other thing that would have to happen is not only the issue of electoral reform; you would also have to look at the issue of how you change the rules in the House. When is it appropriate to use time allocation? I would argue time allocation is used far too often and far too soon. How are committees structured? How are committee Chairs appointed? How are issues dealt with

in the House when it comes to the legislative process? I think all of that has to be revisited, and the only way that's going to happen is after the next election, either through a minority Parliament—then we would raise it, because we believe it's something that would have to be done—or if we were to form the government.

I'm just going to leave it at that. I know my good friend from Beaches-East York has a few things he wants to say in this debate as well.

The Acting Speaker: Further debate.

Mr Gilchrist: It is indeed a pleasure for me to stand to debate the time allocation for Bill 179, the Government Efficiency Act, 2002.

Before I get into the content of the bill, I was struck by the extraordinary amount of time the member from Timmins-James Bay took describing the scenario affecting the battery in his transponder for Highway 407. We have to correct the record. The member is 100% wrong. Not only now but never has Highway 407 Corp had the power to in any way impede the renewal of your driver's licence or your vehicle sticker. You are wrong, as you are wrong on just about everything you stand up and opine about, and as the voters adjudged you each of the last two times.

Let's talk about what the bill actually does offer, shall we? The bill talks about an extraordinary range of what would have historically been considered issues too minor to have justified their own piece of legislation. Back in 1995 when we established the Red Tape Commission, its primary goal was to go through all of the myriad of legislation and regulation that vexed businesses and consumers in this province and find those anachronisms, those duplications, those irrelevancies, those good ideas that didn't quite turn out to be as good as the politician or the civil servant who originally crafted them imagined, and eliminate them.

It is a source of great pride to our government that we can stand here today and tell the electorate that the Red Tape Commission in those years has now eliminated 1,900 regulations. It has repealed 57 entire statutes. It has inspired other ministries to repeal almost 100 more statutes as part of what we call our annual red tape reduction plans within each ministry. Under the previous Premier, and certainly continued by Premier Eves, every ministry is now required as part of its annual business plan to make sure that every law and every regulation it oversees is relevant.

What a radical thought. Imagine making sure that the rules governing businesses and individuals in this province are still needed. It is extraordinary to us that when we got here in 1995 there were hundreds of regulations passed in the 1940s and 1950s that affected businesses and individuals, and yet the original inspiration for the passage of those regulations had long since gone.

1600

We love to talk about the fact that there was a regulation when we got here that said that buses had to have an axe on board. That dates from a time when buses had wooden floors, no mandated emergency rear door or

pullout windows. The thought was that if the bus ever overturned or there was a problem at the front of the bus and you couldn't get out the only door, the bus driver would take that axe and chop a hole in the floor or a wall. A small problem: if that axe happened to be on a bus that was heading across into the United States, the Americans would deem that axe to be a dangerous weapon. Guns are OK, but the axe was a dangerous weapon. So the bus driver would have to take the axe out of the bus, hide it in the bushes on this side of the border, go across to Atlantic City or wherever the ultimate destination was and, on the return trip back into Canada, retrieve that axe. Utterly asinine.

How about the regulation that the previous NDP government had prescribed to mining prospectors up in northern Ontario?

Hon Mr Clark: Tell me.

Mr Gilchrist: I will tell you. It was perhaps the most ridiculous thing we've seen in our survey of thousands and thousands of regulations that govern the province. Imagine that you're a prospector up in northern Ontario. You've discovered the next Hemlo, so you think, and you make a mad dash to process your claim at the nearest mining office. You've just made it in under the deadline. Of course it is first come, first served. You get to the counter, they hand you the form and you discover, to your chagrin, that Bob Rae and the NDP said you had to use a red pen to fill out the mining claim. I know that as a government the NDP used to get a volume discount on red ink. But when it reaches the point where the state tells you what colour pen to be walking around with in your pocket, I don't think there is a single Ontarian who would not agree that that's government micromanagement. It's regulation gone haywire.

Mr Gill: What have you got against red ink?

Mr Gilchrist: We've got lots of things against red ink. We balance our budgets.

But this bill is simply a continuation of that seven-year legacy of rooting out minor and significant problems that impeded business—things like the \$50 annual filing fee. When we got here, every corporation every year had to pay \$50 just for the privilege of existing for another year. There was a small problem. It was costing the Ministry of Finance more money to administer the collection of that \$50 fee than they were getting in.

At the same time, if you wanted to register a company here in Ontario, we made it really convenient for you, particularly if you were in, say, Thunder Bay, because the office was at 555 Yonge Street. I guess you could stick it in the mail and trust Canada Post to add another few days to the processing time, which used to average 12 to 16 weeks to register a company in Ontario before we were elected in 1995. That's bad enough, but 50% of the people who applied made a mistake in their application. It was kicked out and they had to come back a second time. You can do the math for how long that meant for the average person to register a company in Ontario.

Today, as a result of the changes in a previous good government bill, you'll find a kiosk in most major

shopping malls across this province. At that kiosk many people will have gone and renewed their licence plate stickers, but we also have something in those kiosks called Ontario Business Connects. Now the average time to register a new company in Ontario is not 12 to 16 weeks or, if you made a mistake, 24 to 32 weeks.

Hon Mr Clark: How long?

Mr Gilchrist: It's 20 minutes. If that's not convenient, you can do it over the Internet in your own home, 24 hours a day, seven days a week.

Hon Mr Clark: That's progress.

Mr Gilchrist: That's not only progress; that's eliminating barriers to business and individuals doing what they want to do to contribute to our economy, to make investments, to hire, to stimulate the growth and expansion of this great province.

We don't need silly rules. We do need regulation in areas of the environment, in areas of public safety and of course in the realm of health care. But outside of those three sacred areas, we have no interest in duplication, waste or mismanagement.

The bill before us today speaks to the elimination of another 400 irritants, 400 more areas where, as a result of input from civil servants doing the red tape reduction plan or businesses or individuals who have picked up the phone or sent an e-mail to the Red Tape Commission or to various ministries, we now have a process that can accumulate all of these relatively minor issues, each of which probably would never have justified six days' worth of debate in the Legislature, but the aggregate certainly is worthy of the kind of presentation we've offered to all the members in the House via Bill 179.

The amendments will enable ministries to streamline any number of operations for greater efficiency. It allows us to harmonize the statutory and regulatory regimes with the federal government in many cases, or with other provinces. This bill repeals another 15 outdated acts and amends 90 others. It's a record we can be immensely proud of.

I can tell you that this bill, I think, from the lack of substantive criticism from the other side, obviously is worthy of the support of all members in the House. We've heard them rant on and ramble on about all sorts of extraneous issues, but so far in the three days of debate—this now being the fourth—aside from one or two relatively minor points, we haven't had anybody on the opposition benches tell us what's wrong with this bill.

They'll tell you what's wrong with the world in general, they'll tell you why they disagree with time allocation, but having three days to tell us specifically what clause in this bill does not pass muster, is not worthy of the support of us and of them, we have come to the conclusion that there are more important issues, more pressing issues facing this Legislature. The time has come to move this bill out and either into committee or into third reading.

Let me give you a few specifics of what is in this piece of legislation. I think one of the most important ones is the change to the Ontario Heritage Act. We've had many

members in this House over the years suggest that this act doesn't go far enough to protect important heritage buildings in this province. So the provisions in Bill 179 relative to the Ontario Heritage Act would clarify and streamline the archaeology provisions, including the ministry's licensing system for archaeologists, update the heritage designation system and make it more efficient for our municipal partners.

The key changes to the archaeology sections, for example, would clarify that archaeological sites include underwater sites. Many of the members will recall we had significant debate about the preservation of a number of wrecks in two of the Great Lakes—Ontario and Erie, in particular. This bill would now provide for the inclusion of those sites under the Ontario Heritage Act.

The act would also clarify that altering a site or carrying out any kind of field work without a licence is not permitted, defining in regulation terms used in the act that are not currently defined, such as "archaeological site" and "archaeological field work."

The Ministry of Culture would be allowed to issue lifetime licences in the future and take the licensing forms out of the regulations so they could be kept up to date more easily.

One of the other projects the Red Tape Commission and the civil service are working on is in fact the inclusion of all forms on the Internet. So as we've gone through a variety of statutes, including the Ontario Heritage Act, we believe it's now timely, because of the technology available to us, to take forms that previously had been available only in paper format and make sure that they are developed and designed in such a way for easy inclusion on the Internet, so that every single person in this province with access to a computer—and that really is everyone through their community library if they don't have one at home or at work—would be able to download in the future any government form. They would no longer be tied to the hours of operation of government offices or MPPs' offices, again adding to the flexibility and the ease of doing business with government.

If I could continue with the discussion of the heritage act, the changes to the municipal heritage protection provision of the act would make heritage protection more consistent and effective for municipalities all across Ontario, something that I know my home community of Toronto has been asking for for quite some time. These changes would allow municipalities the ability to broaden the mandate of their local heritage committees. Perhaps one of the most important changes is that it would make demolition controls consistent across Ontario. It would increase the maximum fine for any transgression from a quarter of a million dollars to fully \$1 million for any corporation that illegally demolishes any designated property. If that doesn't serve as a significant disincentive for that sort of behaviour, I don't know what more the government can do.

1610

The act would also eliminate the requirement that the Ontario Municipal Board has to approve municipal

bylaws establishing heritage conservation districts where there are no objections in the local community. It would remove the requirement for a municipality to obtain the Minister of Culture's consent to prosecute an offence under the act, again giving more tools to the municipalities, something that has been the hallmark of our government for seven years. These amendments would go a very long way toward streamlining, clarifying and strengthening the Ontario Heritage Act, which is why time allocation is so important. All across this province there are any number of buildings facing imminent threat. I know the members opposite, many of whom represent ridings in the city of Toronto as I do, know of sites right here in our community that will be directly impacted by the passage of this bill.

Along the same theme of giving more tools to municipalities, this bill makes amendments to the Public Libraries Act that would increase the flexibility for municipalities in library board composition and appointments, clarify the legislation and harmonize the act. It would make sure the Public Libraries Act is more efficient, transparent and accountable to all our constituencies.

We've made changes to the Foreign Cultural Objects Immunity from Seizure Act—yes, there is such a thing—which reduce the complexity of the approval process, provide improved customer service to stakeholders, simplify government processes and enhance efficiency. Specifically, these changes would give the Ministry of Culture, rather than the Lieutenant Governor in Council, the authority to protect works of art or objects of cultural significance from seizure under judicial process.

Time allocation of the Government Efficiency Act would also afford the Ministry of Finance the opportunity to make changes to the Credit Unions and Caisses Populaires Act, 1994. The ministry would amend the act to establish a consistent definition of the term "special resolution" and the consequential use of that definition in various sections of the act. It would standardize the requirements for special votes. The ministry would amend the Credit Unions and Caisses Populaires Act to modernize the way notices of meetings are considered.

Another amendment that the Ministry of Finance would make to that act would clarify the confidentiality expectation to which directors, officers, members and staff of credit unions are expected to adhere. What could be more timely? The greatest debate taking place in the business community right now revolves around ethics and the responsible operation of businesses. The people of this province need to know that financial intuitions under the purview of the provincial government operate to the highest possible standards of accountability and ethics.

Clarification and consistency: these are two issues that are firmly addressed in Bill 179. The legislation will help protect the interests of credit granting institutions that are based in Ontario, such as banks, when they lend money to companies that secure their loans with highly mobile, unsecured capital such as aircraft.

We have a myriad of other changes, but I want to be sensitive to the fact that two of my colleagues want to

speak to this bill as well, so I'm not going to continue going through some of the specifics. But I do want to close with a general comment about why this bill is important. Our government has now passed 14 red tape reduction acts or government efficiency acts. I've mentioned the number of regulations we have eliminated and the dramatic improvement, the streamlining of the operation of government. All those changes have had tremendous positive impacts throughout the business community and on individuals in this province.

When we were elected in 1995, the number one irritant in every survey done by the Ontario chambers of commerce, the Canadian Federation of Independent Business and by a myriad of other business groups in this province invariably was the vexation of government regulation, duplication and waste. At the time, the typical poll—I remember the one done by the chamber of commerce—the percentage of respondents who deemed that the number one problem well over one third.

I was interested to read just yesterday that the CFIB's most recent copy of their Mandate monthly booklet showed an updated listing of the problems facing business across this country and particularly here in Ontario. I was pleased to see that the number of respondents dealing with regulation or over-regulation and the complexity of doing business with government had fallen 50% from 1995. Now only 17% of people listed that as a problem facing their business, as something standing in the way of their making new investments, hiring new employees, expanding the size of their operations here in Ontario.

That's not a bad testament to the work of the government in general and the Red Tape Commission specifically. I have only been with the commission formally for I guess about a year and a half, so I am to some extent the beneficiary of the great work that has been done by my colleagues in the seven years leading up to today, but I can tell you it is a vastly different terrain we are walking through when we go to the various ministries and have them look at their regulations and laws today than we faced in 1995.

This bill is another substantive step forward in making sure that government operates as efficiently as possible. When a problem is identified, we have now created a mechanism to bring the solution to that problem into the Legislature in a format that will guarantee speedy passage, even for those items that might normally have never been worthy of debate time in this House.

It's been only about four weeks since the Red Tape Commission hosted what to date is the world's largest conference on regulatory excellence. It was very heartening to hear speakers from all around the world, from jurisdictions that really do have their act together when it comes to the efficient operation of government—places like Australia, New Zealand, Great Britain—and to hear them laud the model here in Ontario as one of the shining lights.

We've gone down a different path than British Columbia or those jurisdictions I've already mentioned, but

with a common goal, and that goal is to make sure that wherever possible, the government have the mechanism to deal in a timely fashion with any kind of irritant facing the business community or individuals.

We're going to continue to improve the operations of the commission. We look forward to further tools being placed at the disposal of the various ministries to ultimately guarantee that the commission puts itself out of business, because it will have become part of the culture within the civil service and the relationship with the political arm of government that it won't be possible to create the kind of nonsensical regulations we inherited back in 1995. This bill is a substantive step forward in that quest.

I commend all the members on the opposition benches, as well as my colleagues, to look very seriously at the content of the bill, put aside our partisan issues and recognize that these 400 changes are all needed, are all important to making sure that business and individuals continue to prosper here in the greatest province in Canada.

1620

Mr Bruce Crozier (Essex): I'm pleased to have the opportunity to spend a few minutes today to speak to Bill 179, but more particularly to speak to the phrase "efficiency in government."

Before I do, I want to raise the issue, as I do every time I stand up on a time allocation motion—and it's becoming a daily event in this Legislature—that there are very few times when I think time allocation should be used, and this is one of them where I think it should not.

I think democracy in this Legislature is being killed—dying a death of a thousand cuts. Well over 50% of the bills that were brought to us in the last session of the government were time-allocated, and now—I don't have the figure today but we're well over 50% in this session, and that's unfortunate.

The citizens of Ontario should know that regardless of what is in this bill and how good it is, we should have the opportunity to debate it, because this bill is not perfect. The standing orders, Speaker, as you enforce them, say that after seven hours of debate, speakers' times are limited to 10 minutes. I feel, on the vast majority of legislation in this Legislature, every member who wants the opportunity to speak should have that opportunity. But once again, this government has decided to bring in time allocation on Bill 179 and therefore to limit debate.

Not only that, but I'd like to look at some of the detail of this time allocation resolution. After today, this bill will be referred to the standing committee on justice and social policy. That committee "shall be authorized to meet for one day"—

Mr James J. Bradley (St Catharines): Is that all?

Mr Crozier: That's all, as the member from St Catharines points out: one day. Of course one day, folks, is not 24 hours, it's not a 12-hour working day, it's not an eight-hour working day; in most cases it's a two-and-a-half-hour working day. The committee "shall be authorized to meet for one day at its next scheduled

meeting time for the purpose of consideration of the bill." Here we have a 247-page bill that contains some 40 sections, that covers I don't know how many pieces of legislation, and the committee will have, roughly, two and a half or three hours to deal with this bill in committee.

That, I would say to my friend from St Catharines—if he was amazed at one day only being allowed in committee—is not the only thing. When this bill is brought for third reading, and I'll read from the motion, "That when the order for third reading is called"—and that will be when the government chooses to do so—"the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment."

I predict a couple of things. One is that when it goes to committee, and when opposition amendments are proposed, they will be defeated. I suspect the government won't bring any amendments in, even if they know this bill is not drafted properly or correctly or does not contain what it should, because it would be an embarrassment for the government to bring in amendments. So the opposition amendments will be defeated and the government won't bring any amendments to it. It will come back for third reading, and that's it. Done. Democracy again—down. We won't get a chance to debate it any more.

There won't be any committee meetings. I say to the government, if they're so proud of this bill and it does so much, at least there should be the opportunity—you would think they would offer—to have hearings so that the public could understand what a great bill this government is putting forward.

I know it's whistling in the wind as far as this government is concerned, but I have to stand up and say that time allocation on practically every bill that comes before this Legislature is merely the death of democracy by a thousand cuts. I'm sorry to report to my folks back home that when I don't get the opportunity to speak on a bill because of time allocation, I can't speak on their behalf, but I would say that there must be a number of government members over there who don't get that opportunity either. I don't know what their constituents say to them. I suspect that in many cases they don't even advise their constituents that their government is limiting this debate.

I would like to take the next few minutes I have to speak about government efficiency. I brought up in the House earlier today, during question period, a concern that we have with the way the government handles leases of equipment in this province. The reason we have had this concern is because there are other jurisdictions in the province that have had problems with leases. So we wanted to know how it is that this government is not only handling our money but how efficient they are with that money.

I can just say during this bit of debate that we found some very astounding issues that the government hasn't dealt with in a very efficient way. For example, I will quote from a minister's briefing note dated October 21, 2001. It was referring to the Management Board Secret-

ariat's consultations with ministries. It says, "MBS consultations with ministries indicate that there have been a number of situations involving additional or disputed payments for leasing where the ministry has used MFP Financial Services Ltd as its desktop leasing company."

"These issues have, for the most part, been attributable to: the extension of leases past the original term; re-financing of lease costs carried over from the initial lease to a subsequent lease; the consolidation of leases which involved refinancing charges"—and we know how expensive that can be if we've ever had to refinance anything ourselves; "the inclusion of costs related to installation and support services" beyond the simple leasing of equipment; "contract terms not well documented over time"—that doesn't indicate to me that there's a great deal of efficiency in the way this government handles these contracts; "ministry reliance on lessor information and expertise"—in other words, this government signs contracts when they don't even know what they're signing, that go out to the person leasing it to you and you say, "Look, I don't understand what this thing is that I'm signing but I know that you do, so I'll sign it anyway"; "lease decisions driven by short-term program fiscal demands causing ineffective lease management."

As I say, this was in a minister's briefing note on October 21, 2001. In general terms this government handles leasing, I would suggest, in a very, very inefficient way.

We can go to the Ministry of Community and Social Services, where a briefing note dated September 22, 1999, says, "Comsoc," which is the Ministry of Community and Social Services, "is still of the view that it has been overcharged approximately \$10 million over the past five years." That's not very efficient, in my view.

We can go to the justice ministry, a briefing note of 2001: "At the justice ministries, the internal audit services raised concerns with the MFP contract—namely, the method of extension to the term and the manner and circumstances of the contract's scope change to include services which were outside the original tender in 1992-93. The justice ministries have implemented a freeze on any new equipment leases pending the implementation of the corporate strategy."

It goes on. Under the Ministry of Natural Resources, I can refer to instances of inefficiency that apparently aren't addressed in this 247-page bill. The Provincial Auditor concluded that "[i]n December 1996, the Ministry [of Natural Resources] entered into a computer lease agreement for \$21 million before determining specifically what computer equipment it required." That's incredible. They entered into an agreement before they even knew what they needed and set the price of \$21 million. "This resulted in numerous adjustments to the initial contract and an increase in costs totalling \$7 million." Those were comments in a minister's briefing note of October 24, 2001.

1630

It also goes on to say that the auditor determined that, "The Ministry [of Natural Resources] did not obtain the

required approval from Management Board Secretariat for the information technology leases entered into since June 1996, which are valued at approximately \$66 million." This again is from a minister's briefing note of October 24, 2001.

Under "Proposed Solutions"—there were a number of them, but I would quote one, again from a briefing note for the secretary of cabinet on October 24, 2001, "The ministries in question [MNR, MEDT, MCSS, and Justice] have taken actions as a result of third party reviews and/or audits to resolve the situation."

Well, that's what should have been done in the first place. If any ministry is going to sign a contract and they don't have the expertise in that ministry to review the contract, then for goodness' sake, bring in an outside auditor, an outside company, an outside adviser, to give expert advice on that contract before you sign, when you don't even know what you want, and before you sign a contract even if you do know what you want.

Efficiency, yes. "Efficiency" in this bill doesn't cover everything. That's why we think time allocation on this bill at this time is inappropriate.

The Acting Speaker: Further debate?

Mr Prue: It is indeed a privilege and a pleasure to stand here again and talk about this huge bill that is so many hundreds of pages. In going through the bill, I tried to count all of the acts it is going to amend, and it is quite significant. I lost track somewhere between 85 and 90, and there could possibly be even more acts than that.

It all comes down to this time allocation. Is this a good bill on behalf of the government? Is this a good bill for the people of Ontario? Undoubtedly those 85 or 90 acts may be in need of some amendment. I would hazard a guess that maybe two thirds or three quarters of this bill is timely and has changes in it which all members of this House could appreciate and will support and is probably right for the people of Ontario. It will cut red tape, it will lead to efficiencies in government, it will help businesses and it will not do anything to damage the public good. But there are still some troubling sections of the bill that I alluded to in my last speech. There are still very many troubling sections.

With a time allocation motion, it all comes down to a government attempting efficiency over the protection of public good. It is their belief that they are being efficient by limiting debate in this House. It is their belief that by limiting that debate, they can get this bill, and subsequently more bills on their agenda, through between now and when this House adjourns or prorogues in December.

Quite frankly, that is not the way government best serves the people. Government best serves the people when it listens. Government best serves the people when it accommodates. We need to do more in this Legislature to protect the public good, to listen to what the public wants, to hear their criticisms and to make amendments where those criticisms are justified.

Today we have a time allocation motion. I have been here but some 13 months now and I'm quite surprised that only half the bills have been time-allocated. It

seemed to me that almost all of them have been time-allocated since my first day in this Legislature. Every time a bill comes before this Legislature, the members opposite stand up with a closure motion to limit debate in order to either not send it to committee at all or to send it, as in this case, for very truncated hearings. That has to be because the members opposite believe that no good ideas, or no good, can come from seeking either debate or from having added input either from the public or the members opposite them. Frankly, that is a little insulting to both. Many people—lay people, professionals, even opposition politicians—have good ideas. Those ideas should be listened to, explored and encouraged. They should not be cut off.

The members opposite, every time you stand up and move time allocation, minimize the role of opposition. You say the opposition's job, to criticize, is not a worthy one. You allow us to criticize, but usually only on one, two or three occasions, and then you invoke closure. When it gets hot or heated, when the debate goes in ways you don't like, or actual flaws are pointed out, you say what we say is not relevant. You brook no criticism; you accept no criticism; you deny criticism. You deny that what we say has merit and you are afraid to let the larger public in on committee hearings, where they can actually show flaws in your great master plan.

This great master plan is one of many omnibus bills that have been before this House in the last number of years. Just so the public can again understand what this bill contains, it changes some 90 laws—some 90 acts—in ways they may not perceive, in ways that would cause great difficulty for them if they actually knew what was happening; that in some cases may help them, yet they would never have any idea that they're being assisted.

It also causes problems for business, because these are not well documented, and I would hazard a guess that they will not be well documented after we have finished. Because of the government's overwhelming zeal for efficiency, it will simply be passed. It will be sitting in a binder somewhere and it will not be understood by the very people it is intended to affect, help, assist, or at least regulate what they do in business or in government.

I've had the honour for the last six months or so to be on the Legislative Assembly committee and I can tell you there is frustration on all sides of the House at what happens when bills go to committee, at the fact that government members and opposition members often do not have the ability to change the bills. Time allocations are used in the committees. They do not have an opportunity to come forward with good ideas that will be adopted by the government majority in those committees and they therefore see bills go virtually unchanged from the time they are first read here in the Legislature until they are passed in the end. A bill of some 240 pages amending nearly 100 acts cannot, I put to you, be perfect in all regards.

One of the members opposite stood up to talk about what was in this bill and some of the good things that are in it. I'd just like to start with a couple of the good things,

especially one related to heritage. What is contained in this bill around the heritage provisions is absolutely right. What is contained here will allow for municipalities to protect heritage buildings. It will allow for archaeologists to be properly licensed. The heritage community commends what is contained within this bill. The government is right in saying that this is an appropriate mechanism and that this should be changed. I have no difficulties with that and I'm sure all the members of the House have no difficulties.

When I stood here on October 21, just a week ago now, and talked about this bill and what was wrong, I tried to talk about seven points, seven out of 400 that are being changed, where this government needed to listen. To date I don't believe that this government has listened to any of those points. Certainly no one has indicated in this House, to me personally or to my caucus that you are considering any one of the 400 changes that are being proposed.

1640

I stood here and talked about seven of them that really, really need a second look. They either need to be taken out of this omnibus bill or they need to be radically changed so that, wonder of wonders, you can say that this bill is perfect or nearly perfect.

Just to deal with those again, because I don't think you heard me the last time, although you can find it in Hansard on October 21, the first error of this bill is that it extends a provision which the government put in a couple of years ago: the right to restrict collective bargaining within the construction sector. What you are saying in this bill is that you are going to extend the abrogation of rights of working people to collectively bargain and, if need be, to strike for a period in excess of 46 days, and that can happen only once every three years. You're extending the bill to the year 2005, which means that the construction unions that are building new homes, factories and commercial enterprises in our province will be unable to collectively bargain if that collective bargaining leads to a strike. If that strike goes beyond 46 days, the strike will not be allowed to happen.

This is taking away part of one group in society's right to do what is in their own best economic and pecuniary interests. It is taking away a right which all of them have had enshrined in law for many years. In fact, debates continually take place even to the Supreme Court of Canada on their right of assembly and their right to force change.

None of us in society wants strikes to go on for 46 days—not one person in this House and certainly not I. Strikes can often be divisive. Strikes can often cause hardship, particularly to the strikers themselves. Strikes can often lead to businesses going bankrupt. But the reality of the situation is that if working people through their unions are ever going to have betterment of their lives, if they are ever going to see wage increases, if they are ever going to be able to improve the way that their families are able to live in Ontario, if they are ever to see working conditions and health and safety features

improve, they have to have the ultimate right of stoppage of work. That right ought not to be curtailed to simply 46 days every three years in order to satisfy some government whim.

This is an extension of what was previously a bad bill into the year 2005. I would suggest that once it becomes enshrined in law to 2005, should this government be re-elected, which quite frankly I doubt, it will be extended again and again and possibly go into other manufacturing sectors, public sectors and others that choose their democratic right to withhold services. We think this is a very bad portion of the bill and we ask quite frankly that you withdraw it.

The second part of the bill which I again would like to speak to has to be one of the craziest little insertions in any bill at any time. It is the change to the Employment Standards Act. The Employment Standards Act is to be modified to state that people who work for an employer in Ontario are limited to asking that employer once a year as to their vacation entitlement; once a year to go and find out how many days of vacation you have; once a year to find out whether in fact you can go on that long-planned holiday that you and your spouse might want.

This is a crazy amendment. What it says is that a person who takes one week out of their three-week vacation or three days out of their vacation or a series of single days over many months, and then suddenly decides they would like to take a two-week vacation to go down to the Niagara region or to northern Ontario or to all the places that we and the Minister of Tourism encourage people to go—you say, "I'd really like to get away for 10 days. I wonder if I have 10 days' vacation left." You go over to your boss and say, "I know I asked you about five months ago how many vacation days I've had, but I've had to take a number of them in between. Do I still have 10 days left to take my spouse down to the Niagara Peninsula or to Windsor, or "Do I still have time to go to the ferry at Tobermory?" The employer is now going to be legally entitled to say, "We've already answered you once this year. We don't have to answer you again."

What a silly provision of the law. What a silly provision to limit ordinary people's right to ask an ordinary question which would take only a matter of seconds or minutes, with computerization in most firms, to figure out. Quite frankly, this should be withdrawn.

You have a third problem: the inability of this government to try to help women, and I suppose some men as well, who are being abused. The whole problem of domestic violence in our culture has been addressed by this government, but not very well. It wasn't too long ago that you stood up on that side of the House and talked about tough new domestic violence laws that were going to be in place 24 hours a day, seven days a week, 52 weeks of the year. They were going to be there constantly.

This bill says something, although I'm not sure what it says. It says that your policy is not a good one, because you are abandoning it in favour of six pilot projects. I don't know what those pilot projects are, and I would

very much like to ask those questions in committee. We don't know what those six pilot projects are going to involve, other than that they are an admission that what you placed and enshrined in law is not working. This is sliding it in the back door, and it may or may not be an improvement on something that is not being done very well. But I have to tell you that we are very cautious in embracing this as a good and needed change, because it has been so poorly spelled out.

You have the ongoing problem of the 407, which my colleague Mr Bisson addressed. The 407 is privately run, of course, because it's been sold off at bargain-basement prices, and you have a corporation that is making money hand over fist. They're making so much money that I would be afraid, if the general public actually found out how much they're being gouged, they would be rise up in arms. But the problem most recently enunciated by a number of people who live in the 905 region and in Toronto who use that system every day is that they have found out that when the transponder breaks or the battery runs down, they are unable to effect the necessary change. They are unable, first of all, to tell that it's not working. Unless you're an engineer or you know the right lights or the right things to do, it is not readily apparent to everyone who drives that every day until they get their bill. More importantly, once it is discovered, as it invariably is, there is no easy remedy to ordinary people to have it fixed, and there is no remedy in the long term for them to end up not paying huge amounts of extra money.

My office received two complaints. I do not represent the 905 region, but I do have people in my constituency who use it every day. We have received two very detailed complaints about the inability of these ordinary people to get through the numbers to get the necessary changes made. I challenge the members opposite who are putting in bills about the 407: before you tinker any further with it, before you allow it, as this bill will, to include bounced cheques in the list of infractions for which the 407 corporation can go after motorists, look at what is happening to those ordinary citizens. Not only have the rates gone up three times this year, but the inability of that corporation to deal with the general public has become legendary.

1650

I challenge any of you: phone 407-0407; just phone it and see if you can get through. I challenge you to try to get through between the hours of 9 and 5. I challenge you to get through between the hours of 5 and midnight. I challenge you, if some of you are even awake after midnight, to try to get through. You will find that the numbers are constantly blocked. You'll get music. You'll be told that you're waiting in line. But if you're not prepared to wait for more than half an hour, it probably won't happen.

I challenge you to go to the kiosks to try to get it changed, and you will find that the kiosks are not allowed to make the necessary changes to your transponder or to your bills. They cannot help you in any way because they

do not have phones in the kiosk to even get back to their head office.

I challenge you to try to have an amount of money which has been improperly charged to your account taken from your account. None of those things will happen. All of the commuters on that roadway are starting to see the cracks in the system.

It is all well and good that a private corporation can continue to make money off that, but they are not investing any of the money back into customer service, and it is the customers of this province who are looking to this government to try to make the necessary changes.

It is not included in this act. The only thing that is included in this act is that there is now a provision to also have a bounced cheque being able to be dealt with by the corporation. And I would suppose this will include another round of threats of whether or not you can get your licence removed and misstatements about whether or not the government is behind it.

You have additional problems on immunization. You have problems of the long trucks—and I'm mindful of my time. You have problems of the wage loss benefits. All of these, that I spoke to the last time, are not being included in any kind of discussion, and I am mindful that they probably will not be in the timeliness of the committee hearing.

We will have only one day of committee, a couple of hours in order to listen to the problems. We will only have one day in committee to consider amendments. I'm not hopeful that this government will consider any of the amendments, no matter how long we speak to this issue. And we will have only one day for this government to admit that of the 400 provisions, some are wrong.

I ask the government to do the honourable thing and to put in some real committee hearings that last longer than they're proposing.

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet, Minister of Culture): As I was sitting here when the member from Essex was going through his part of the debate, I felt compelled to respond, since the member was discussing the competitive process for lease financing services.

Around 460 BC, in the age of Pericles, there were a number of scholars who were engaged upon the whole subject of rhetoric and what was noteworthy in that period of time. Corax and Gorgias were noted Sophists of the time, which of course had led to the concept of sophistry. I, on the other hand, am persuaded to follow the teachings of Isocrates—not Socrates; Isocrates—who maintained that truth was paramount in any oration.

I feel compelled to somehow here—and sophistry is not—

Interjections.

Hon Mr Tsubouchi: —and I did not say what you think I'm saying.

I will say this: I feel compelled to put some context to all this. I know that earlier in the day the member from Essex was referring to confidential documents. Well, first of all, let's look at that quickly. The documents were

marked "Confidential," but they were provided to the member from Essex through the freedom-of-information process by the ministry. So it's no great secret to anyone that he has these documents.

Secondly, let's talk about what actually is here. The fact of the matter is that the Provincial Auditor in the year 2000 came forward with a number of recommendations in his annual report, that the government undertake a new competitive process for lease financing services.

I'm very pleased to say that one of the very first things I was able to do when I became Chair of Management Board was to take the government down this road to try to somehow put a lot more accountability in a process that quite frankly had existed—this was not a new process that this government initiated, but it was a process that was there throughout the 1990- to 1995 period and from the 1985- to 1990 period as well. So I want to make that clear.

We believed it was important for us to undertake this new process to bring much more accountability and transparency to whatever process was available at the current time. Clearly, we felt it important to listen to what the Provincial Auditor had to say.

I've got some technical language here, but I want to tell you this: one of the first things the Management Board undertook was an analysis of what the situation was, how we could respond to what the auditor told us to do. This was based on a number of documents, and let me give you the context. I'm just quoting from the documents that the member from Essex was holding up. I'm trying to put context to the documents he has in his hands. Part of this consideration was the 1998 report by the Provincial Auditor; once again, the report of the Provincial Auditor for the year 2000; the justice ministry's internal service audit; the ministry's summaries of reports from independent consultants. By the way, I must tell you that the member from Essex stood up and was speaking about the fact that we had third parties doing investigations and consulting in terms of the contracts in several of the ministries. I will tell you, these consultations and investigations were instigated by the ministries themselves in order for them to comply and find better ways of being accountable in terms of these types of contracts. Clearly, at the end of this, the analysis was that there are no legal disputes between MFP, in this case, and any ministry. That's also in the documentation the member has in his hands.

Now I'll deal a bit with the competitive process that we have now instituted, which is what was suggested by the Provincial Auditor, and the auditor also supports this particular type of approach. When you see any type of problem, if it was something that occurred in the past, clearly it's up to the current government to try to fix it. I believe that's what we've attempted to do here.

This is very technical; at the end maybe I can put some plain-language context to this:

"The competitive process:

"To facilitate the establishment of equipment standards, and to leverage aggregated volume requirements,

clusters must use a competitive process which includes full disclosure of:

"All mandatory and desirable requirements that will apply to the evaluation of proposed equipment products/services; and

"The evaluation process and criteria that will be used to assess proposed hardware products, including the weights allocated to various desirable requirements and any testing that will be conducted.

"At a minimum the competitive process should evaluate, but not necessarily be limited to the following: a discounted pricing structure based on aggregated volumes; proposed technology; product continuity/consistency/stability; product testing; technical support; warranty services; delivery; manufacturer capability/capacity; delivery capacity; relationship/account management...."

These factors are all now required to be in these types of leasing agreements. This is something we have instituted because we believe there should be more transparency and accountability back for taxpayers' dollars.

This approach is called total cost of ownership, and this is the process that was suggested by the Provincial Auditor. We believe the Provincial Auditor gave us some excellent suggestions. That's why we're suggesting we follow them.

What does this mean? If I can translate that in as few words as I can—it's tough for politicians to do that, of course—what I'm saying is that it's our contract. It's our contract, our language, our clauses. Therefore, there's no mystery in terms of what the contracts are because we as a government have developed them, constructed them. There are no mysteries, as there may be with some other contracts provided by individual companies.

That was the old way. That was the way under the old Peterson Liberal government, and under the Bob Rae NDP government—

Mr Bradley: The Davis government.

Hon Mr Tsibouchi: And the Davis government too. You're quite right, member from St Catharines. It was incumbent upon us to try to fix this. That's putting the proper context on it, I agree.

The old way of course was that each company provided their own separate contracts. Quite rightly, if you didn't have a contract expert looking at that, the agreements may not have had the accountability back to the taxpayer that they should have had. Now they are our contracts, our language, our fine print. If you want to play games with it, that's fine, but it's our contract so I believe we now have a real accountability back.

The last thing I want to say—I don't want to take a lot of time on this; I just want to respond to the member from Essex. I will share with you some quotations from previous auditor's reports dealing with tendering processes.

This is a report from the Provincial Auditor, 1989, page 17. It says, "For the most part, ministries were following government policies and procedures for

purchasing consulting services. However, instances were noted where ministries went through the motions of competitively tendering for assignments, but the process was ... not open or fair to all bidders." That's the Provincial Auditor's report back in 1989.

1700

He dealt with a number of specific instances, which I'll share with you. For example, with respect to the Ministry of Education, also indicating, of course, that the tendering process was not really competitive, he says, "We reviewed 13 consulting contracts of the information technology and assistance branch of the ministry, valued over \$50,000 each, and for the 1989 fiscal year, 12 of the 13 contracts were awarded to consultants who had worked for the ministry continuously since at least 1986 as programmers and systems analysts. Given this situation, one must question the competitiveness of the tendering process." That was, once again, in the Provincial Auditor's report of 1989, on page 20.

Dealing with the Ministry of Community and Social Services, from the Provincial Auditor's report of 1988, the year before that, on page 42, he says, "Four consultants have been under contract to the ministry for more than seven years at rates between \$250 and \$100,000 annually. These earnings by consultants were more than double the salaries earned by employees occupying comparable positions within the ministry."

The last one I will share with you deals with the Ministry of the Environment, from the 1989 report on page 19, where once again he questions the credibility of the tendering process. He says, "It has been agreed that the same contractor will be retained to carry out extra work. Nevertheless, the Ministry of the Environment did go through the motion of competitively tendering the four contracts.... In our opinion, the bidders were not treated in a fair, equitable and responsible manner. This type of activity brings into question the credibility of the competitive bidding process."

We do recognize that there was a problem here. The Provincial Auditor provided us with some excellent suggestions, which we have followed. We think it is important to have that kind of transparency, that kind of accountability, whether it was in the period of the NDP government of Bob Rae or the Liberal government under David Peterson or prior to that. It matters not where the process was not accountable; what matters to us is finding a proper way to make sure we're accountable for taxpayers' dollars.

I thank you for the opportunity to share these arguments with you and put forward the context we need to have, based on exactly the same documentation the member from Essex had.

Mr Bradley: As usual, with a bill as complex as this, what we call an omnibus bill, there are some parts of the bill which are worthy of support and a number of parts of the bill which I consider to be hostages; that is, not supportable. Sometimes they are placed there so the opposition will not support the bill and then the government can go out and say, "You didn't support this part of the bill, therefore you must be opposed to it."

Of course, we look at all legislation in its total context and want to ensure that everything in the bill is fine. In fact, the government would have been better to bring forward a number of bills, sit down with the House leaders of the opposition and say, "These bills, where there is complete agreement, can pass very quickly; the contentious items should be held for more debate." That is the sensible way of doing it. I know it's easier said than done, and my friend the former government House leader Mr Sterling and I have discussed this often and expressed the wish that this would happen, but it just doesn't seem to happen for some reason or other.

Rather than discussing yet another time allocation motion this afternoon, which chokes off debate on yet another piece of contentious legislation, we should be talking about the hydro bills that are coming in right now, whether in Algoma or St Catharines or anywhere in the Niagara Peninsula.

The anti-Kyoto member from Mississauga, on the other side, who gets up and reads what the anti-Kyoto coalition has to say all the time—what Ralph Klein says about the Kyoto accord—would know that the telephone calls are coming in at his constituency office and the people are mighty angry about the size of those hydro bills, largely because they thought, when the government promised it was going to bring in a new regime for hydro—it was going to privatize, it was going to deregulate—that somehow under its plan we would see a significant decrease in hydro bills and lots of supply. Well, neither do we have supply, nor do we have the kind of hydro bills that people think are supportable and commendable. I know that on a daily basis, either through the telephone, by e-mail, by fax or by conversations I have with people, there is a huge concern about the skyrocketing hydro bills they're being confronted with. That is the kind of motion or legislation we should be dealing with now as opposed to something else.

I see the Premier, now that he has a poll which shows him down considerably, is starting to say a few different things. He's starting to listen to the opposition, which has said, "Look, you've got to bring in a system of rebates, and you've got to bring them in soon, to counter the effect of these bills," not simply on individual households, and that's extremely important in itself, but also on businesses and on public institutions which will see those bills reflected in the ultimate costs of operations. So I, as you, Mr Speaker, would be concerned that we're not discussing that kind of issue in this House but rather yet another motion simply to shut down the debate on another issue.

I see that the member for Carleton, the Minister of Transportation, has yet another publication, called *On the Right Track*, and of course it's very negative about the Leader of the Opposition. It's a very glossy piece of information, because you've got to know that the Conservatives have almost endless money to spend. Not only do they spend the taxpayers' dollars on government advertising—and that's the regular taxpayer out there—but also in their war chest, which is gleaned from the many

fundraisers, from the richest and most powerful people in the province—not only do they have the government advertising, they have all kinds of money to spend. So you'll see the ads, Norm, during the football playoffs and the hockey games. And they'll be negative advertising, we'll see, as well as trying to extol the virtues of a plan that doesn't exist on the government side.

I know my friend the Minister of Transportation, former Minister of the Environment, author, I might add, of Drive Clean in Ontario—and I want to divert a bit here because I thought the advertising that was done for the Drive Clean program was non-partisan and was there to provide information to people and be positive advertising. I want to commend my friend the Minister of Transportation for that particular initiative. That's one out of about 200 initiatives on this government's part that I would condemn. But I want to say that you have to be positive when there's a reason to be positive, and there is there.

He must be beside himself watching the present Minister of the Environment being the Minister of the Anti-Environment, leading the charge arm in arm with the so-called environment minister from Alberta, our own Premier Ernie Eves arm in arm, shoulder to shoulder with the defender of the oil patch himself, the person who has defended the oil companies and their interests over the years, none other than Ralph Klein.

I asked the question the other day, who in this government is speaking for the environment now that Norm Sterling is no longer the minister? Who is speaking for the environment on the government side? You expect the Treasurer of the province, you expect the Minister of Economic Development and maybe even the Minister of Energy to be taking a cautious approach, but you expect the Minister of the Environment to be the one leading the charge in the other direction, wanting to work with the federal government and other provinces to reduce our greenhouse gases and to clean our air in our province. That's the kind of issue we should be talking about.

When this government talks about efficiency, we on this side start to shudder because we think of the situation in Walkerton. That was sold as efficiency, Walkerton. "All we have to do is close down those government laboratories," said the Conservative government, and so they shut down the regional laboratories of the Ministry of the Environment. They had some of the top scientists in Canada working there, top technical people, people who did the analysis, people who gleaned from the information the necessary information to proceed with legal proceedings, with charges and so on. What did the government do? They came swinging the axe at that time because they wanted to rush their tax cuts into effect before they had balanced the budget, which would have been prudent, recommended by several members on the government side, including the member for Waterloo-Wellington, who sits in his seat today, no doubt with a smile on his face, having recommended that they await the balancing of the budget before they implement those radical tax gifts to the rich.

1710

In Walkerton, the government said, "Let's be efficient. Let's listen to this so-called Red Tape Commission." The Red Tape Commission had the Ministry of the Environment employees and staff so intimidated that they didn't even want to challenge the Red Tape Commission. So we had the government close down those laboratories, which operated very efficiently, which notified the local medical officer of health when there was a problem, as well as the operator of the system. They closed down those laboratories and privatized them. Within a period of six to eight weeks, the municipalities and others who were using those government laboratories had to find private laboratories. No proper protocol was put into effect, no proper procedures to be followed to avoid the kind of problem we encountered in the tragedy of Walkerton, where seven people died and well over 1,000 people were seriously ill as a result of drinking the water. That was the efficiency of the Harris government. Of course we all remember that the Treasurer, the provincial Minister of Finance, at that time was none other than the Honourable Ernie Eves, now Premier of this province. So when you talk about efficiency over there we worry, because we remember what happened in Walkerton as to the people of this province.

The government will bring in a bill this week and call it a Safe Drinking Water Act to soothe their conscience and to respond to what the public feels is absolutely necessary. I haven't seen the bill. I suspect it will fall short of the expectations of those who believe we need a very comprehensive piece of legislation. Nevertheless, they'll bring in the bill with a lot of fanfare, there'll be a backdrop saying "clean water," or something of that nature, and the government will try to sell this in a certain way.

The government should be worried. The member for Bramalea-Gore-Malton-Springdale should be worried as well, because he sees now that the Green Party is up to 8% in the GTA. That doesn't mean they're going to win the election, but it does tell you that people are sensitized to environmental issues, and there you people are leading the anti-environment charge instead of the pro-environment charge, with some exceptions. The Minister of Natural Resources, I know, is going to make some very progressive appointments to the Niagara Escarpment Commission to ensure that there are people who actually want to protect the escarpment, as did Norm Sterling when he was the minister. That's another piece of praise for my friend Norm Sterling. There are lots of things I disagree with him on, but I wanted to mention two positive things today because I like to be positive in my addresses to this Legislature as well as pointing out problems.

One of the parts of this bill that is bizarre to me, and the member for Beaches-East York has mentioned it a couple of times, is the fact that you can only ask your employer once a year how much vacation time you have. I don't know why it's so onerous on the employee to ask twice or three times how much vacation time is left.

Therefore, I think that's a piece of the legislation that should be removed. I hope, when this government goes into committee of the whole, as I know they will want to with this bill, that in fact they will remove that.

The Independent Health Facilities Act: what you're doing now is moving slowly but surely toward the privatization of health care in this province. There was an option available to this government. At Sunnybrook you could have provided additional funds, equipment and time for the purpose of radiation services. Instead, you called in the private sector and gave them the money, and the Provincial Auditor said it's costing you more and it's not as efficient. Besides that, why would you give it to the private sector, privatize health care, when you already had a facility there which could have been used by the public sector? I worry now that these new MRIs and CT scan machines will be going out to private clinics, as opposed to our public hospitals, which have served us so very well over the years.

I promised my friend the member for Kingston and the Islands that I would leave him some considerable time in which to address these issues, but another issue I did want to mention is that you appear to be giving more clout to the Highway 407 Corp to hit people over the head with. Already I get a lot of telephone calls from people justifiably disgruntled about the high cost of using that highway, the exorbitant rates that are charged and the method of administering those charges. That's another thing I wanted to mention, as well as some provisions of this bill which make it more difficult for the public to get information.

I did want to make sure that I leave sufficient time for my friend the member for Kingston and the Islands, so I'll allow us now to go to the Conservative Party and I await with great anticipation hearing from one of their members.

The Acting Speaker: Further debate.

Mr John O'Toole (Durham): For those viewing, I hope you don't have your cellphones on.

I think it's important to first acknowledge that this is a time allocation motion on Bill 179. It is a government bill. Those on the other side, as I listen to them, are trying to make the argument for public consultation. This is a rather comprehensive bill. It actually has 247 pages. Half of that is French. So it is significant. In fact, I believe there are 16 schedules, A through P. I think for the general tone, I just want to outline a few of the sections here, if I could, because as I see this bill, the important initiative here is really to reduce red tape or regulations that are redundant. There are administrative trivia in this bill and some explanatory issues with respect to the names of ministries, boards and/or commissions.

I think it's appropriate in a broader sense to put on the record a few things. For instance, the Ministry of the Attorney General is schedule A. Under schedule A, I think there's a very important change. I'm just going to pick some at random. This is just the bill, with no highlight notes. "The Domestic Violence Protection Act, 2000, is amended to provide for staged implementation.

Amendments are also made to allow designated judges and justices to order substituted service, to prohibit the charging of fees for applications, to clarify that designated judges and justices have power to make emergency intervention orders in areas where the Family Court has jurisdiction, to clarify that intervention orders made be served on Sundays and to clarify the authority to make applications and take evidence by telecommunication." This is early intervention in domestic violence. That's something the community wants. This government is taking action to make it easier to intervene for the safety of victims.

I've covered schedule A.

Schedule B covers the International Interests in Mobile Equipment Act (Aircraft Equipment), 2002. It's really amendments to aircraft movement.

Schedule C is the Ministry of Citizenship.

I think this small schedule D is extremely important and could go unnoticed by the opposition. "The schedule amends the Child and Family Services Act by removing the requirement that the bylaws of a children's aid society be approved by the minister." This in fact may take extra time to be approved by the ministry. "It does not change the requirement that the bylaw be filed with the minister or the requirement that the bylaw contain such provisions as may be prescribed in the regulations." So all it does is expedite an act or bylaw without having to wait for the minister or indeed perhaps cabinet to meet to approve it.

"The schedule amends the Ontario Disability Support Program Act, 1997 and the Ontario Works Act, 1997 by replacing references to the former Immigration Act (Canada)." So it's an administrative matter and makes reference to the new Immigration and Refugee Protection Act in Canadian legislation. We've harmonized the language within the current Ontario statute.

Schedule E is amendments proposed by the Ministry of Consumer and Business Services. There are some changes to collection agencies "to prohibit all communications for the purpose of debt collection through means that require the person being contacted to pay for the communication, and to provide that rights under the act cannot be waived." Again, it's administrative, to a large extent.

There is another one here that is quite interesting under the consumer protection agenda. "The Land Titles Act is amended to amalgamate the Land Titles Survey Fund and the Land Titles Assurance Fund, to update terminology, and to reflect changes in practice."

1720

I can go through in some detail almost all of those 16 schedules I mentioned. Under the Ministry of Transportation—the minister happens to be here—there are a number of very important safety initiatives that, if they had to be completely legislated, would take ages. But I think the public certainly has an interest in knowing, for instance, the anti-avoidance provisions re permits, licences and CVOR certificates.

This is highway traffic vehicles. This, to me, is an important safety initiative: "Subsection 47(3) of the act

provides that a person whose permit, licence or CVOR certificate is under suspension is not entitled to be issued a new one. The schedule re-enacts subsection 47(3) and adds three new subsections to expand these restrictions: if a permit is suspended or cancelled under section 47, the holder cannot be issued another permit; if a licence is suspended or cancelled under section 47, the holder cannot be issued another licence; if a CVOR certificate is suspended under section 47 or revoked under section 17.0.1, the holder cannot be issued another CVOR certificate; and if a CVOR certificate is cancelled under section 47, the holder can never be issued another CVOR certificate." So clearly it's a public safety issue.

I like this particular one. There's one on drivers' licences here, but I don't want to take all the time. In fact, I don't think in many cases this went far enough. Under the Ministry of Transportation—I commend Mr Sterling—"Section 62 of the act prohibits the use of tinted headlamps." We see these on the road now. "The amendment allows tinted headlamps that comply with the regulations." It allows police officers the right tools to do their job, and in many cases these tinted headlights may have other motives behind them.

Rebuilt air bags is another important public safety section here. "New section 71.1 of the act prohibits rebuilding air bags as well as the sale and installation of rebuilt air bags. It also provides for regulations respecting the installation of non-rebuilt air bags." Air bags save lives. This, in many cases, has been a large issue in the collision, repair and insurance business. Some people perhaps are breaking into cars, stealing the air bags and then selling them to auto refinishers and maybe causing some risk to the public.

The slow-moving-vehicle section is another really interesting one. It's the pre-emptive traffic control signal devices—quite interesting. I didn't even know about it. "New section 79.1 of the act makes it an offence to drive a motor vehicle that is equipped with or carries a pre-empting traffic control signal device"—in other words, you have some button in the car that makes the light stay longer or changes the light; I didn't know they existed—"—a device that can suppress or extend an indication on a traffic control signal. A police officer may seize the device and, if the person is convicted of the offence, the seized device is forfeited to the crown. The section does not apply to emergency vehicles." We see those devices in municipalities where fire departments and others are racing through the signals to save lives. It's clearly understandable. But in the wrong hands, they are a safety hazard on the roads.

Load security: people carrying loads and how they should be secured. I am impressed by the number of details. This government and our ministers have taken the time to amend what I call needless, burdensome regulations.

The other side would want to talk—see how big this is?—for 300 years. All politicians talk and talk and talk. We actually do something. That's the whole difference here. They talked for 10 years on the other side until this province ground to a halt.

My confidence in this government goes so far as to say there's no one who is perfect but at least this government is willing to revisit and amend statutes, some of which we're amending here, to make sure that we have the right rules for the people of Ontario.

The bill contains 400 amendments to clarify, streamline and update dozens of acts of 15 ministries. The bill repeals 15 acts and amends nearly 90 others.

We must constantly ensure that our legislation reflects the changing needs of society, takes advantage of technological developments, updates outdated regulations and eliminates unnecessary legislation and regulations.

As the parliamentary assistant to the Minister of Health, it's my duty to speak to schedule I for a moment, in the very little time left. I want to share my time with the member for Bramalea-Gore-Malton-Springdale. He said he wanted five minutes.

There are nine acts being amended by our Ministry of Health and Long-Term Care: (1) the Health Care Accessibility Act and Health Insurance Act; (2) the Health Protection and Promotion Act; (3) the Immunization of School Pupils Act; (4) the Independent Health Facilities Act; (5) the Ministry of Health Act; (6) the Ministry of Health Appeal and Review Boards Act; (7) the Provincial Offences Act; (8) the Toronto Hospital Act; and (9) the Trillium Gift of Life Network Act.

I'm just going to refer directly to the bill because I did take the time, as it's important to do as an effective member serving the people of Durham and hopefully all of Ontario at some point—

Interjection.

Mr O'Toole: —and Canada probably—

Interjection.

Mr O'Toole: No, we'll leave that for another day.

We'll certainly want to get into schedule I. I'm sure the members on the other side want to know about schedule I, which is the Ministry of Health's initiative. I'm convinced that Minister Clement is on the right track, and he has the right PA to help him.

I like this part. It says, "An amendment to section 18.1 extends the time limit"—listen to this; it's very important and subtle and may be missed by most on the other side because they haven't read it—"for requesting reconsideration by the Medical Review Committee or a practitioner review committee of a decision by a single committee member. Currently, the time limit is 15 days. It is extended to 30." That's an important time for people to reconsider decisions and to appeal them.

Penalties are increased for offences under these acts. Currently, these acts provide for a variety of penalties, and it covers the whole issue of the Trillium Gift of Life Network Act.

I'm saying in the last two minutes I have that each ministry, in their rigorous review of their business plan, annually reviews their business plan and the issues that they hear—not from just the MPPs on this side, but all complaints from the people of Ontario—and then goes about dutifully having a committee review those goals. The discussion, in many cases—many of these changes

have been talked about for years. This government takes the time to not just talk but to act.

I believe the government wants to ensure that such complex and legal charter arguments as those involved in the allocation of publicly funded health resources are made in the most appropriate settings: before a court, not before a tribunal of laypersons.

The HSARB is intended to be a forum for the expeditious resolution of factual disputes as to entitlement to payment for various health care services and entitlement to OHIP coverages generally. Timely hearings and decisions are frequently critical to the health of the patient.

I believe that the Ministry of Health is making the following changes under the Provincial Offences Act, and this will conclude my remarks. The proposed legislative changes will address current legislative inadequacies that limit the ministry's ability to administer and enforce provincial health statutes.

These amendments support the ministry's business plan and the Ontario budget and Blueprint commitments to root out waste, fraud and abuse in the health system, and to meet the ministry's strategy for zero tolerance.

First is to establish an explicit unlimited limitation period for the detection and investigation of an offence. This is an expansion of the current period, which is limited. At present there is a six-month limitation period on prosecution of most health-related provincial offences. This time limit is inadequate to fully identify and investigate violations.

Another change is to increase the maximum penalties to allow the judiciary greater flexibility to impose proportionate penalties, which are currently not available. The penalties associated with breaches of health-administered statutes are insufficient and, in many cases, too lenient in proportion to the offence. Increasing penalties provides greater deterrence and sends a clear message of zero tolerance for health and fraud issues within that ministry.

Thank you for listening. There is more to be done, and this government is the government to do it.

Mr John Gerretsen (Kingston and the Islands): I'm pleased to join this debate as well. Actually, I'm not pleased with the subject matter we're dealing with, which is, of course, another time allocation motion. I know people have heard this before, but I think it's absolutely outrageous the number of times this particular government has used closure, in which it's cutting off the parliamentary debate that we believe in with our democratic system.

Just for the record, in case—and I see all sorts of gestures being made by the members on the other side—some people out there in television land or wherever they may be hearing or watching us, just in case they aren't quite aware as to what has happened in that regard over the last 20 years, let me just remind them that back in the good old Tory days of Davis and Miller, there were 292 bills passed during the five years of the early 1980s, and

three of them were time-allocated. Closure was used three times.

1730

We then go to the Peterson minority government, for the two years from 1985 to 1987, when 129 bills were passed. There was one bill, only one, that was time-allocated, where closure was used to shut off debate.

Then we go to the Peterson majority government, from 1987 to 1990, when 183 bills were passed. Do you know how many times time allocation or closure was used? Three times in a matter of three years.

Then we go to the five Bob Rae years, 1990 to 1995, when 163 bills were passed: 18 times. So time allocation or closure was used almost 10% of the time.

Now we get to the Harris years, 1995 to 1999. Over that four-year period of time, 118 bills were passed and time allocation, closure, was invoked 35 times. So we are talking about roughly 30% of the time.

Then we go to the second Harris term, the Harris-Eves term, from 1999 to July 2002, when 71 bills were passed. Do you know how often time allocation or closure was used? Forty-six times. In other words, two out of every three bills over the last three years were time-allocated. Closure was invoked, where the government basically said, "We want to hear no more from anybody. We're going to close it down, and you're going to vote on it one way or another."

But it gets worse than that. In the current session it is my understanding, from checking the records, that this is the fifth time that time allocation has been used in the five weeks we've been here, and during that period of time no bills have passed.

What's the meaning of all this? The meaning is quite simply that this government believes it is not important for their House leader to have any discussions with the House leaders on the other side to come up with some meaningful program, some meaningful method, whereby bills can be debated for a certain period of time so that the important bills get four or five days of debate and perhaps some other bills that everybody agrees to can be passed in one day. No, it would rather just ram its way through. That is the legacy of the Harris-Eves government and we see it in so many different ways.

We could be talking about the hydro bills. I went up to my office between the time that question period took place and the time I came back, around 5 o'clock, and I had received five calls, just in a matter of about an hour or so, from people in the Kingston area complaining about their hydro bills. They cannot believe what is happening to their hydro bills. I will not use these people's names, because I haven't got permission to use them or I haven't had an opportunity to call them back yet. But they all want to talk to me, and that was just in a matter of an hour, about the outrageous increases in their hydro bills.

In one particular case, a residential homeowner in the Kingston area just received a hydro bill of \$700 for one month, in a single-family home; I know there may be all sorts of excuses for it. Somebody might say, "Well,

maybe he didn't pay enough on his standardized bill before." The bottom line is this: the people who have approached me are saying, "Why has my hydro bill increased by almost double the amount that I paid last year?"

We could be talking about the people who need Visudyne treatment, which is an absolutely shocking indictment of this government. Here we can be helping people with a very simple—expensive, yes, but simple—procedure and we could prevent blindness, and this government is saying, "Well, only if you are at severe risk of being blinded can you get that treatment. On the other hand, if you aren't quite in that really serious state, then we're not going to fund it." That is just atrocious. If we know there is a drug out on the market that can help prevent blindness for those individuals who have—what's the name of it, again?

Mr Bradley: Macular degeneration.

Mr Gerretsen: —macular degeneration—why wouldn't we help them now? For goodness' sake, we live in Canada. We live in Ontario, where we pride ourselves on the health care system we have.

We could be talking about what's happening to all those individuals in long-term-care facilities. I think it is outrageous that this government had the nerve, after the Legislature closed at the end of June, to impose a 15% increase mainly on seniors who live in our long-term-care homes. After they heard all sorts of anger expressed in petitions and in a number of other ways, petitions that are still flowing into this place on a daily basis—today I handed in petitions that had at least 1,000 names on them, and I've got many more here in my desk and many more in my office as well, as do other members on all sides of the House—what did the government say? "OK, we guess it's not 15% that we want immediately from you for additional accommodation costs," which is about \$230 per senior, for individuals who basically have been living on fixed incomes for the last 25 years. "Maybe you can pay it over the next three years."

It gets worse than that when we talk about seniors. You know and I know that in a study the government itself paid for, the PricewaterhouseCoopers study, it indicated that we in Ontario rank absolutely last in the amount of nursing and personal care we provide for our seniors in our senior citizen accommodations, in our nursing homes and the homes for the aged.

That's not good enough. That's not good enough for a government that's got \$2.2 billion in corporate tax giveaways, making us by far the lowest jurisdiction from a corporate tax viewpoint in this entire area. That argument has been made many, many times before, but we could be talking about it; we could be talking about major issues like that.

People are hurting out there. Whether we're talking about the seniors in the nursing homes, whether we're talking about the consumers who live in homes trying to pay their gas bills, whether we're talking about those people who are in waiting lines trying to get into hospitals to get the necessary medical procedures in so many

different areas, there are so many different areas that we could be talking about and that this government should be acting on.

What is it mainly acting on? It is mainly acting on those interests in which its corporate friends, allies, the corporate world, have an interest. Not only that, but on a bill like this it is invoking time allocation.

It's even worse than that. At least at one time we used to have time allocation motions that would say that once the bill has gone to committee for three or four days and once it comes back here, there will be a day of debate. That's gone too.

I don't know how many of you have actually read this time allocation motion, but it says that the next time it's called in the House here, the Speaker shall immediately put every question necessary to dispose of this bill without further debate or amendment. So we have now reached a stage that not only do we say, "Closure of debate. There shall be no further discussion," but we're already prejudging the next stage, when the bill comes back here on third reading. We're not even allowing any debate on third reading when presumably it's gone to committee, in this case for one day and one day only, probably to fix the bill where the government has found some errors and it now wants to make some amendments; that's why the one day is required. But when it comes here in its final form, having come from committee, we don't get the opportunity to debate it even for one day on third reading. So we've taken time allocation, we've taken the closure of parliamentary debate, further and further from democracy at each step along the way.

It may not be an issue that the people of Ontario are incensed about, but I would hope that the media would take an interest in this so that they can help educate the people of Ontario as well. We are losing our parliamentary democracy in this province, and it doesn't do any of us any good. It puts politicians in disrespect as far as the general public is concerned.

I would urge this government: see the error of your ways. Do not use time allocation again; enter into a discussion with the House leaders so that we can come up with a meaningful legislative program so that bills can be debated for the length of time that is required in each and every case.

1740

Mr Gill: I see I've only got about five minutes left. With the agreement of all parties, I'm sure they'll give me more time. I'm quite confident. I think they will want to forgo the dinner break between 6 and 6:45 and perhaps continue.

It's a very important bill that we're discussing, the Government Efficiency Act, 2002, which by the name itself means government should be more efficient. The motion today is for time allocation. That basically means that enough has been said and it is time to move ahead and do the right thing in terms of passing this bill, which is a very simple bill. It's a big bill, yes. People have been fanning the pages and all of a sudden saying, "It's 200 or 250 pages." I personally think it's not big enough.

There's much more to be done. There are many particular regulations or different items—

Interjection: Get rid of the red tape.

Mr Gill: There's too much red tape. In fact, my good friend from Scarborough mentioned earlier that there was a great conference held recently, From Red Tape to Smart Tape, and I'm sure many people attended.

It gives me great privilege to stay on course and talk about Bill 179, the Government Efficiency Act. If passed, this bill will be the 15th government efficiency and red tape reduction bill since 1995, since our government took office.

This bill contains in excess of 400 housekeeping amendments that help to clarify, streamline and modernize dozens of acts on behalf of 15 different ministries. The bill is looking at all the ministries and looking at some of the cumbersome items that shouldn't be on the books. They should have been removed perhaps during the time of the Liberals or the NDP, but we are the government who says, "You know what? Let's not leave it on the books. Let's look at it and move forward so that we don't just keep discussing it and talking about it but do something." We are a can-do government, and not just because Chrétien said we should or should not do it.

From time to time, as we know, everybody needs to do some housecleaning. In fact, I was talking to a friend of mine, Nick Dhaliwal, who is in the insurance business. He brought to my attention something in the insurance business itself whereby they cannot do any other profession, cannot earn a living any other way than just doing insurance. Because of the number of insurance agents out there, sometimes it becomes quite difficult when you are limiting people, saying, "You know what? You will only do this. You cannot do this. You cannot do that." On the other hand, a mortgage broker can do real estate and a real estate broker can do mortgages, but an insurance broker can't.

The federal government has reduced some of the red tape in that, I'm glad to say. They have allowed the banks to go ahead with insurance. They have gone ahead with estate-type planning. I was asking my co-chair from the Red Tape Commission to perhaps look at some of these things where people still feel their hands are being tied, that they should be allowed to do things that benefit Ontarians in terms of cutting red tape and providing more competition in the marketplace.

Some of the amendments in the bill before the House today will ensure that the people of Ontario will get better service from the government while others will help the justice system function better.

Another thing this bill provides for is that the Provincial Offences Act will be amended to allow bail hearings, in certain circumstances, to be held by means of audio or video technology and to allow search warrants

to be issued by fax. I see nothing wrong with that. We are moving ahead with bringing in the technology. If people are living in far-out places—and we encourage people to be living up north; we are trying to develop that more and more—then they should have the facilities by means of the latest technology, be it video technology, video-conferencing and audio. Fax is not the latest technology. Based on that, they should be able to perhaps access the same services.

We have set a course for improving government customer service for Ontarians and achieving regulatory excellence. We're delivering on our promises—promises made, promises kept. I've said it before. I think that's fair. It's good to remind people.

It's time allocation of the Government Efficiency Act. We must go ahead and pass that today.

The Acting Speaker: This completes the time allocated for debate.

Mr Hudak has moved government notice of motion number 47. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1746 go 1749.

The Acting Speaker: All those in favour will please stand one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted
Coburn, Brian
DeFaria, Carl
Galt, Doug
Gill, Raminder
Hardeman, Ernie

Hastings, John
Kells, Morley
Miller, Norm
Murdoch, Bill
Mushinski, Marilyn
O'Toole, John

Ouellette, Jerry J.
Runciman, Robert W.
Sampson, Rob
Sterling, Norman W.
Tsubouchi, David H.
Wettlaufer, Wayne

The Acting Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Bartolucci, Rick
Bisson, Gilles
Bradley, James J.
Churley, Marilyn

Dombrowsky, Leona
Duncan, Dwight
Gerretsen, John
Hoy, Pat

Kormos, Peter
Martin, Tony
McMeekin, Ted
Prue, Michael

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 18; the nays are 12.

The Acting Speaker: I declare the motion carried.

It being very close to 6 of the clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1750.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Ancaster-Dundas-	McMeekin, Ted (L)	Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Flamborough-Aldershot			
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)		
Beaches-East York	Prue, Michael (ND)	Halton	Chudleigh, Ted (PC)
Bramalea-Gore-Malton-	Gill, Raminder (PC)	Hamilton East / -Est	Agostino, Dominic (L)
Springdale		Hamilton Mountain	Bountrogianni, Marie (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Hamilton West / -Ouest	Christopherson, David (ND)
Brampton West-Mississauga /	Clement, Hon / L'hon Tony (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Hastings-Frontenac-	Dombrowsky, Leona (L)
Brampton-Ouest-Mississauga		Lennox and Addington	
		Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Brant	Levac, Dave (L)		
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Burlington	Jackson, Cameron (PC)		Gerretsen, John (L)
Cambridge	Martiniuk, Gerry (PC)	Kingston and the Islands /	
Chatham-Kent Essex	Hoy, Pat (L)	Kingston et les îles	
Davenport	Ruprecht, Tony (L)	Kitchener Centre / -Centre	Wetlaufer, Wayne (PC)
Don Valley East / -Est	Caplan, David (L)	Kitchener-Waterloo	Witmer, Hon / L'hon Elizabeth (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Don Valley West / -Ouest	Turnbull, Hon / L'hon David (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation		
		Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
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Wellington-Grey			
		Leeds-Grenville	Runciman, Hon / L'hon Robert W. (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
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	Crozier, Bruce (L)	London West / -Ouest	Wood, Bob (PC)
Essex		London-Fanshawe	Mazzilli, Frank (PC)
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	Hastings, John (PC)		Sampson, Rob (PC)
Etobicoke North / -Nord	Kells, Morley (PC)	Mississauga Centre / -Centre	
Etobicoke-Lakeshore	Lalonde, Jean-Marc (L)		
Glengarry-Prescott-Russell	Elliott, Hon / L'hon Brenda (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance		
Guelph-Wellington			

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Mississauga South / -Sud	Marland, Margaret (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Mississauga West / -Ouest	Snobelen, John (PC)	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Nepean-Carleton	Baird, Hon / L'hon John R. (PC) Minister of Energy, Minister responsible for francophone affairs, deputy House leader / ministre de l'Énergie, ministre délégué aux Affaires francophones, leader parlementaire adjoint	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Rouge River	Curling, Alvin (L)
Niagara Falls	Maves, Bart (PC)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nickel Belt	Martel, Shelley (ND)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	McDonald, AL (PC)	St Catharines	Bradley, James J. (L)
Northumberland	Galt, Hon / L'hon Doug (PC) Minister without Portfolio, chief government whip / Ministre sans portefeuille, whip en chef du gouvernement	St Paul's	Bryant, Michael (L)
Oak Ridges	Klees, Hon / L'hon Frank (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Stoney Creek	Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail
Oakville	Carr, Hon / L'hon Gary (PC) Speaker / Président	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Sudbury	Bartolucci, Rick (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Thornhill	Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement
Ottawa-Orléans	Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Timiskaming-Cochrane	Ramsay, David (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto-Danforth	Churley, Marilyn (ND)
Parry Sound-Muskoka	Miller, Norm (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Perth-Middlesex	Johnson, Bert (PC)	Vaughan-King-Aurora	Sorbara, Greg (L)
Peterborough	Stewart, R. Gary (PC)	Waterloo-Wellington	Arnott, Ted (PC)
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Prince Edward-Hastings	Parsons, Ernie (L)	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor-St Clair	Duncan, Dwight (L)
Sault Ste Marie	Martin, Tony (ND)	York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Monday 28 October 2002

MEMBERS' STATEMENTS

John Malette	
Mr Duncan	2485
Peterborough promotional brochure	
Mr Stewart	2485
Highway 69	
Mr Bartolucci.....	2485
School pools	
Mr Prue	2486
Canadian horse	
Mr O'Toole.....	2486
Government accounting practices	
Mr Phillips	2486
Volunteers	
Mr Miller	2486
Progressive Conservative convention	
Mr Smitherman.....	2487

MOTIONS

House sittings	
Mr Baird	2487
Agreed to	2488

ORAL QUESTIONS

Ontario Power Generation	
Mr Conway	2488
Mr Baird	2488
MFP Financial Services	
Mr Crozier	2489, 2491
Mrs Witmer.....	2489, 2492
Hydro deregulation	
Mr Hampton	2490
Mr Baird	2490
Long-term care	
Mr Hampton	2491
Mr Newman.....	2491
Occupational health and safety	
Mr Gill	2492
Mr Clark	2492
Energy contracts	
Mr Colle	2492
Mr Baird	2493

Diamond mine

Mr Johnson.....	2493
Mr Wilson	2493

Autism treatment

Ms Martel	2494
Mrs Elliott	2494

Hydro rates

Mrs Bountrogianni	2495
Mr Baird	2495

Public transit

Ms Mushinski.....	2495
Mr Sterling	2495

Raccoon rabies

Mr Parsons	2496
Mr Ouellette	2496

Queen Elizabeth II

Wildlands Provincial Park	
Mr Miller.....	2496
Mr Ouellette	2496

English classes

Mr Marchese	2497
Mrs Witmer	2497

PETITIONS

Post-secondary education funding

Mrs McLeod.....	2497
-----------------	------

Long-term care

Mr Curling.....	2497
Mr Gerretsen	2498

Natural gas rates

Mr Hoy.....	2498
Mr Peters	2498, 2500
Mr Gravelle	2499

Wildlife rehabilitators

Mr Parsons	2499
------------------	------

Hydro rates

Mr Peters	2499
Mr Bradley	2500

Chiropractic services

Mr Hoy.....	2499
-------------	------

Children's mental health services

Mr Gravelle	2500
-------------------	------

Ipperwash Provincial Park

Mr Arnott	2500
-----------------	------

GOVERNMENT MOTIONS

Time allocation, government notice of	
motion number 47, <i>Mr Stockwell</i>	
Mr Hudak.....	2500
Mr Parsons	2501
Mr Bisson	2503
Mr Gilchrist	2508
Mr Crozier	2511
Mr Prue	2513
Mr Tsubouchi	2515
Mr Bradley	2517
Mr O'Toole.....	2519
Mr Gerretsen.....	2521
Mr Gill	2523
Agreed to	2523

OTHER BUSINESS

Visitors

The Speaker	2487
Mr Hodgson.....	2488

CA20N

X1

-D23

Government
Publications



No. 49B

N° 49B

ISSN 1180-2987

Legislative Assembly of Ontario

Third Session, 37th Parliament

Assemblée législative de l'Ontario

Troisième session, 37^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Monday 28 October 2002

Lundi 28 octobre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers



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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 28 October 2002

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 28 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

CONSUMER PROTECTION STATUTE LAW AMENDMENT ACT, 2002 LOI DE 2002 MODIFIANT DES LOIS EN CE QUI CONCERNE LA PROTECTION DU CONSOMMATEUR

Mr Hudak moved second reading of the following bill:

Bill 180, An Act to enact, amend or revise various Acts related to consumer protection / Projet de loi 180, Loi édictant, modifiant ou révisant diverses lois portant sur la protection du consommateur.

The Acting Speaker (Mr Ted Arnott): Mr Hudak, you have 60 minutes for your presentation.

Hon Tim Hudak (Minister of Consumer and Business Services): As part of the 60 minutes I plan on splitting my time with my colleagues Mr Wettlaufer, the member for Kitchener Centre, and Mr Stewart, the member for Peterborough.

I appreciate the opportunity to enter into debate on Bill 180, the Consumer Protection Statute Law Amendment Act, 2002, which I'll probably call CP21, consumer protection in the 21st century, as the short form.

Interjections.

Hon Mr Hudak: You like that. It's catchy. It's part of the marketing.

I appreciate the comments from the member from Mississauga with respect to acting to address major issues of concern to consumers, whether it's the auto sector, real estate, the bereavement sector, door-to-door sales and high-pressure sales. As you know full well, this bill was first introduced on September 26, and we look forward to moving it as quickly as possible with debates into its fruition and enactment. It's my understanding that at least to date we've had all-party support. I look forward to the responses of my colleagues as we head into second and third readings.

Of course it's a pleasure to return, shortly after my honeymoon, to the applause of the Speaker himself. Thank you. Now, so refreshed, I'm ready to dive into debate.

Mr Gilles Bisson (Timmins-James Bay): Tell us how she feels.

Hon Mr Hudak: Not on the record and in Hansard, surely not, to the member from Timmins.

What I will do tonight, with the support of my colleagues, is address some of the major issues in Bill 180, CP21, discuss some of the provisions in the bill to give consumers greater faith in the economy and help to protect them in the areas where scam artists are currently operating, and talk as well about how this helps businesses, because consumers will have confidence in these sectors in the economy.

I think we all know that the vast majority of businesses engaged in practice today are honest, law-abiding and doing a good job in legitimate businesses. However, when scam artists enter a particular field or industry, that undermines confidence in all of the operators in those fields. Not only will this build a stronger and safer marketplace for consumers; it does so for businesses as well and helps to grow the Ontario economy and help create jobs.

An important part of our mandate at consumer and business services, one that I know members of the Ernie Eves government are in full support of, is helping to fight scams, especially those that target seniors or students who are away at school for the first time, who may not have signed contracts before or dealt in these particular areas. In fact, we get about 40,000 concerns, inquiries or complaints from consumers every year at the Ministry of Consumer and Business Services. To help as part of our public education initiatives, we like to let consumers know the chief types of operations to be wary of and how to protect themselves. The first exercise is always to use common sense. If a deal sounds too good to be true, it probably is, and we ask them to exercise caution.

Let me tell you about one of the events we did, and that was about the top five scams in Ontario, the top five that we hear about: inquiries, prosecutions and such. Of the top five most common scams in Ontario, number one was advanced-fee loan scams. This is where somebody who maybe has a weaker or an early credit history—maybe they're just starting out in terms of accessing credit markets—will be approached by a loan broker, often now through the Internet, who will say they'll get them some loans on the cheap, some offshore money or patient money or one of these types of gambits that is used. The problem here is that they ask for, as part of this, an upfront fee to exercise that loan. They'll say to the victim, the target, "You send me \$1,000 by courier or cheque or what have you. I will get you this great loan at a very low interest rate." Well, that's a scam and it's

against the Loan Brokers Act. You cannot ask for a fee up front, but yet it does happen in the province of Ontario. We work to eliminate that in the province, but it remains the number one scam.

1850

The second one is credit repair, which is similar. A scam artist will approach an intended target and say to them that they will fix their credit rating for a given fee, again illegal in many instances where there are simple things that can be done to fix your own credit rating and such. They cannot get an advance fee in this area without giving the consumer an indication of what they can, in fact, repair in the credit rating.

Home repair is number three, especially high-pressure door-to-door sales and very unfortunate situations, seniors targeted through high-pressure tactics to repair a driveway, a roof, what have you, and they take off with the funding without actually doing the job at all or any quality work. I believe the vast majority of those that are in the home repair business are honest operators. There are those bad operators, though, that help to undermine confidence in the industry as a whole, and that's our third top area of scams.

Fourth is motor vehicle repairs. I'll admit I'm one that doesn't know a headlight from a tailpipe.

Interjection.

Hon Mr Hudak: I know the member from Stoney Creek thinks that's hard to believe—

Mr Bart Maves (Niagara Falls): I can tell you the difference between a headlight and a tailpipe.

Hon Mr Hudak: The member from Niagara Falls is a bit farther ahead, but I mean, none of us is immune—

Mr Maves: One's in the front and one's in the back.

Hon Mr Hudak: Well, there we go. You learn something new in this House every day: one's the front of the car and one's the back of the car. But we have encountered—in fact the ministry has been helpful and successful in some prosecutions in this area—instances where somebody will take in a car for an oil change and they'll come back to get their car and they'll have their engine replaced.

We had one case where a gentleman took his car in—

Interjection.

Hon Mr Hudak: Honestly—for engine work, was told the engine was replaced and then found that the car didn't improve—in fact, it got worse—and brought it back for a second opinion. It turned out that it was the exact same engine that was in the car.

Interjection.

Hon Mr Hudak: I don't know if I'll be able to get through this in 20 minutes with all the interruptions from the government side of the House.

Interjection.

Hon Mr Hudak: There you go, they're trying to help me.

Mr Bruce Crozier (Essex): Where do you go if you're the minister and you've been scammed?

Hon Mr Hudak: It hasn't happened to any of my colleagues, that's for sure.

Motor vehicle repairs—we are addressing a bit tonight I think probably our own experiences and those of our constituents in dealing with the scam artist. It is a serious issue, and that's why this bill is important to get through and get passed. It's often important to make sure that you're dealing with an operator that you can trust, recommended by either your family, your friends or your neighbours; or you get three estimates, which is always a good thing to do to make sure that you are getting a fair deal.

The fifth is movers, again targeting students particularly here, where a mover will hold the possession of the goods and try to renegotiate the deal, try to get more money out of the deal and say that you can't get your desk and your bed and that sort of thing, when you're moving back to school or such, unless you pay a higher fee. That's number 5 on the list.

Many of these scams can cause a serious financial loss to the individuals, often upwards of thousands of dollars. The challenge is that these individuals are crafty. As I mentioned, they target people who can least afford it: seniors on fixed incomes may be trusting of somebody that comes up to the door or calls them on their phone; students away from home that may not have great experience in dealing with contracts and ascertaining for themselves whether it's a fair deal or not.

They call them scam artists for a reason: they are creative, they are always trying to take a step to be ahead of the law, so when we try to shut down one scam it morphs into another. Certainly that's why it's important to stay in contact with other jurisdictions, because what's happening in Ontario may next happen in BC or Quebec or vice versa; or from the States into Ontario. For example, we've seen changes from telemarketing operations and scams on to the Internet now, and they may move to different jurisdictions and call over to their new network from there.

As I mentioned earlier on, that's why it's important to strengthen protections for consumers, and it helps to make sure that we have the confidence in the businesses in these areas, so consumers will feel comfortable spending their hard-earned money in investing or making a purchase that creates jobs in the province of Ontario, which this government is all about.

As I think many members of the House know as well, many, in fact almost all, of our consumer protection laws, the majority of them, were last substantially updated in the 1960s and 1970s. There are some examples where this government has moved in many areas, but as a base line, the 1960s and 1970s were the last time that the existing legislation was substantially updated. At that time, the 1960s, colour televisions were a luxury item, computers were the size of trucks, operated only by NASA scientists, and the Internet was simply the stuff of science fiction. The notion that we could conduct business and organize personal lives using cellphones, fax machines, e-mail, the Internet, is something that people at that point in time would find very hard to believe or plan for. Credit cards, debit cards, automatic withdrawals

from bank accounts—all of these innovations in the last few years—were not even contemplated in the 1960s and 1970s when the legislation was brought forward.

As a result, our existing legislation tends to form a bit of a patchwork, with different time limits for investigating infractions, different rights and obligations, different penalties for various types of transactions in different sectors. The proposed bill has an aim to try to bring consistency to that table, to be fair to consumers and businesses by making the legislation understandable, enforceable and flexible enough to deal with the demands of changing times. That's why I hope this legislation will be passed to help us to do that.

In summary, Bill 180 provides a number of things.

Mr Rob Sampson (Mississauga Centre): In summary?

Mr Hudak: A summary of my introduction.

It's a new proposed Consumer Protection Act that combines six—I mentioned the disparate pieces of legislation—overlapping pieces of legislation into one single bill that's a modern legislative framework. This will provide clear rules for businesses and consumers and a level playing field for businesses as well.

The new proposed act also brings up to date the Real Estate and Business Brokers Act, the Motor Vehicle Dealers Act and the Travel Industry Act. These three acts, as all of us in the House are aware, cover some of the biggest purchases individuals ever make in their lives: a home, a car or a nice vacation. That's why it's important for us to have protections in place when making that substantial and expensive investment and give confidence to consumers purchasing in those fields.

In short, Bill 180 will provide a clear, efficient, flexible, up-to-date set of consumer protection rules for consumers and businesses in Ontario. The member for Oak Ridges wants to know some of the specifics to help consumers.

Mr Sampson: Get into the specifics right away.

Hon Mr Hudak: I'll jump into the specifics, if that's what you want me to get to.

The member for Mississauga will recall that I said earlier that when the laws were introduced in the 1960s and 1970s, the expansion of the Internet economy and services was not really contemplated at that point in time. So we are expanding consumer protection to services as well as goods. The service economy has grown to the point that the majority of transactions are actually in the service economies as opposed to the traditional exchange of goods: cable, cell phone service, lawn care, home repairs. This legislation makes sure our framework extends from the goods sector into the services sector to create that level playing field.

It would extend provisions to leases. Leases used to be almost exclusively business-to-business arrangements, but now, as the Speaker well knows, consumers commonly lease items such as cars, computers and other significant purchases.

Importantly as well, it would require clear disclosure. There's always a good piece of advice that I think we say

over and over to constituents, to our own families and to ourselves: read the fine print. Many unscrupulous operators hide important information in that fine print or use ambiguous language that is very hard to interpret. The proposed Consumer Protection Act, 2002, also known as CP21, would help combat this by requiring that information to be disclosed clearly and prominently and not hidden in the fine print.

The proposed legislation also specifies that if the language in a contract provided by a business is ambiguous, that would now be interpreted in the interests of the consumer—it's a very important development. While it's always important for the consumer to read the entire contract before signing it—as a matter of course, it's common sense—this provision would require the businesses to be clear and upfront with a potential customer.

As I mentioned—so with services, so with the Internet—it will extend protections to Internet exchanges. We all know that the Internet has exploded in recent years, providing incredible speed and convenience, and revolutionizing the way we do business. If you want to book that hotel room in Niagara, you can do so over the Internet. If you want to buy your wife that particular bottle of wine that she enjoys, you can do that over the Internet.

In fact, three years ago the ministry didn't even track consumer complaints about Internet transactions, because at that time there were so few of them. Now we receive about 250 Internet complaints per year, and that's just whom we hear from; there would likely be more than that who just have not known who to call or did not want to call—an indication that there is a growing need to act in this sector. We need to make sure that consumers do feel confident in on-line shopping and those types of exchanges and searches.

1900

This is a good thing. It's a wonderful convenience for consumers, it helps create jobs and it can help make Ontario a world leader in e-commerce, strengthening our economy. But if consumers do not have confidence in those purchases, they won't make those purchases and those potential jobs will be lost. We want to extend the provisions enjoyed by those who shop in local stores or shop for local services to those who are shopping over the Internet in Ontario, as I said, to create a level playing field and to recognize that the nature of the economy has changed substantially in the last 30 or 40 years.

Let me give you some examples of that with respect to the Internet. The legislation, if passed, would require a contract for Internet sales, one that could be in paper form or e-mailed, as long as you could print it off or download it so you could have it in front of you, you could read it and understand what the contract says, just like the traditional paper contract we engage in on a regular basis.

Hon Brad Clark (Minister of Labour): Eminently reasonable.

Hon Mr Hudak: Very reasonable, but until today—and if passed—it does not currently exist in law in the province of Ontario. It's an important part.

The bill provides regulation-making authority to strengthen disclosure requirements, so that consumers can have more information and have an informed choice about a potential purchase. Let me give you an example. The vendor would be required to list a bricks-and-mortar address so the consumer would know if the business they were buying from is located across the street or somewhere around the world. This gives consumers more information so they can use the same common sense when they're purchasing in a shop as when they're in the new world of the Internet. As I mentioned, we want to make Ontario a trusted destination for e-commerce, to make it a widely recognized and secure place to do business, as it is with the purchase of goods and services.

Importantly—and I know many members on all sides of the House have talked to me about this as well—it would eliminate negative option billing. Many consumers have rightly complained about negative option billing. This occurs when you are billed for a good or service because you did not tell the business that you wanted out of the deal.

Under the proposed legislation, consumers would not be liable for any goods or services they did not request nor agree to pay for. Currently the negative option billing ban applies to goods. We're expanding it into the service economy. With today's sophisticated payment options, negative option billing can create situations where consumers can have a charge on their credit card or a direct withdrawal from their bank account and not even know about it, for services they may not be receiving or didn't know they were supposed to be receiving. Under this proposed legislation, if a consumer has accidentally paid for an unsolicited good or service they did not ask for—for example, through automatic debiting—he or she would be entitled to demand a full refund.

Let me give you some examples. One area of concern is health and fitness clubs. Again, the vast majority are honest operators, but we do hear about those on the edges who have played unfairly in the negative option billing area; consumers complain that a club is taking money out of their bank account long after their memberships have ended. As this, in effect, is a demand for payment for unsolicited goods or services under the proposed legislation, the consumer would be clearly entitled to a refund.

More?

Hon Mr Clark: More. I am enthralled.

Hon Mr Hudak: A 10-day cooling-off period, the 10% estimate rule and the 30-day delivery rule—expanding these important consumer protection initiatives.

The 10-day cooling-off period already exists in some sectors, and, as I said, it is a principle of the bill to expand it to others. Last year, as members are well aware, our government implemented a 10-day cooling-off period for door-to-door sales—a lot of these high-pressure sales. I think the member for Stoney Creek is strongly in support of that initiative. That means that if a consumer feels they were given a high-pressure sales job and agreed to a contract, this 10-day cooling-off period

would give them a 10-day period to change their mind and get out of the deal.

Currently we have a five-day cooling-off period for personal improvement services like the fitness clubs I mentioned and talent and modelling agencies. Under this bill, if passed, we would double that cooling-off period from five to 10 days and make it consistent with the door-to-door high-pressure sales area I mentioned.

I think the member from Niagara Falls in particular would support this next initiative. I mentioned how we're doubling the cooling-off period for fitness clubs and such, as we have for high-pressure door-to-door sales. This bill also proposes to extend the cooling-off period to another sector where high-pressure sales tactics occur: time-shares. Again, the vast majority of these businesses are legitimate, honest operators who give consumers a fair deal. But there are some bad operators. There are some shady characters that we do hear about in the ministry, and the problem there is that not only is it impacting on consumers, but it also undermines the industry as a whole.

For example, the ministry has received more than 100 complaints about modelling and talent agencies, and about 550 regarding health and fitness clubs that I'd mentioned a bit earlier.

False offers of modelling contracts, where the consumer pays for services but never gets any modelling jobs, is a scam that commonly hits college and university campuses in Ontario, one of the top complaints for students. This is particularly disturbing because these unethical operators target young people, who are often on a very tight budget as they're paying for their schooling.

I'm not sure how many members of this assembly have been taken in by this. I'm feeling slightly embarrassed about some artistic photos.

When I had the opportunity to speak to a college crowd, this is one area that they brought up as a concern.

Let me give you one case. A Toronto woman was interviewed by a modelling agency, and the agency asked her to sign a contract and pay about \$1,400 for a portfolio of photographs. Although the consumer asked to have the opportunity to read the contract or have her lawyer review it for her and give her advice, the agency told her that her time was limited; it was a one-time offer; sign then or never get the chance to take advantage of it. So the consumer, feeling intimidated, paid the money, signed the contract and then, after having left the agency, had second thoughts about what she had signed. And \$1,400 is a substantial investment. The agency in turn ignored her requests to cancel the contract and to have her money reimbursed. After several months, she contacted the consumer services bureau at the Ministry of Consumer and Business Services. Fortunately, the ministry was able to intervene, and charges of unfair business practices were eventually laid against the company.

Under the proposed legislation, this difficult situation could be avoided because the consumer would have a clear right to cancel that contract under the 10-day cooling-off period I mentioned, if this legislation is passed.

No legitimate modelling agency would insist that a person come to their office immediately for a one-time offer with promises of lots of work with great money based on a quick interview, charge exorbitant fees for photographs and demand that a consumer sign before thinking it over.

The 10-day cooling-off period would take the wind out of these scam artists' sails.

I mentioned time-shares. The ministry also hears from many consumers who change their mind about the time-share contract they signed, only to find that they are not able to cancel it.

The scenario usually goes something like this: a couple attends a time-share presentation and is bombarded by promises of a glorious location and access any time they want from a very aggressive salesperson. Exasperated, they agree to buy into the program. They make a \$2,000 down payment and commit to a further \$8,000. The next day, they read the contract in greater detail and realize they will not be getting the location or the time entitlement they had understood that they would be given based on the high-pressure sales presentation. They try to cancel the purchase, but the seller refuses. They hire a lawyer to help them out, but after paying over \$1,000 in legal fees, for example, they can no longer afford to fight the claim.

Again, under this proposed legislation, the consumer will be protected, having 10 days to reconsider their purchase. The rule also applies under the time-share aspect of the legislation to vacation clubs so that time-share operators can't get around the law by calling themselves by another name. Consumers would still be protected. It's the same gambit, just a different name to it. Consumers would remain protected and have that 10-day cooling-off period.

As we well know, any legitimate time-share operator wants customers to be well informed and confident about their purchases instead of pressured into something, a decision made on the spur of the moment.

I mentioned I was going to get into the 10% estimate rule. In this bill, CP21, we are proposing a 10% estimate rule, which would mean that the consumer should not be charged more than 10% above the amount estimated in the consumer agreement or contract. Such a requirement—already it's a good one—already exists for the motor vehicle repairs industry, that they would have to be within 10% of the estimate. This bill would extend it now to all sectors.

Hon Mr Clark: Home repair too?

Hon Mr Hudak: Home repair as well.

In the complaints the ministry has received from consumers who were hit with a much larger final bill, the final costs are often 50% or higher, on average, than the initial estimate given to the consumer. The proposed 10% rule would make it easier for families who are trying to budget for a home or a car repair.

1910

I'll give you an example. A consumer with a broken refrigerator might be debating whether to repair it or to

replace it altogether with a brand-new refrigerator. So he contacts an appliance service shop that provides an estimate of \$200 to repair the fridge. So the consumer says, "That's a lot better than buying a new fridge," and so agrees to have the old fridge repaired and forgoes buying a brand-new one. However, once the repairs have been completed, he is told that the bill amounts to over \$800.

Under the current consumer law, there is really nothing that addresses estimates except for motor vehicle repairs, so the consumer would have very little at his disposal to fight that bill. In the example I noted, the consumer is not only out more than he anticipated but he also did not have the right information to make a decision as to whether to repair the refrigerator or to buy a new one.

Under the proposed Consumer Protection Statute Law Amendment Act, 2002, an estimate in an agreement for goods and services would be binding to 10% above the estimate, meaning the maximum charge the consumer would have had would have been \$220, or within 10% of the estimate. So this proposed rule is good news for consumers, but it's also good news for businesses. The practice of lowballing quotes makes it very difficult for legitimate businesses to compete on price.

I mentioned that the 10% estimate rule already exists for the motor vehicle repair sector. The proposed legislation would also make it mandatory for vehicle repair shops to give consumers written estimates. If they fail to do so, the shop could not charge repairs done unless the consumer authorizes, in advance, a maximum amount that they are willing to pay. This helps avoid scams that some unscrupulous repair shops unfortunately practise: the car is brought in for an oil change and instead they get an entirely new engine.

Mr Crozier: What a deal for 29 bucks.

Hon Mr Hudak: Yes, for 29 bucks. So this makes it out front, when you take your car in to a repair shop of your choice. A lot in Wellington county are legitimate operators—you're happy with your auto repair shop. It is possible, though, and it does happen across the province, that the actual result would be higher than the estimate. So not only as it currently exists for auto repair it would be 10% of the estimate, but now consumers would get that estimate up front as part of the transaction.

A 30-day delivery rule: the bill proposes a 30-day delivery rule, meaning that if a good is not delivered or a service has not started within 30 days of the date in the contract the consumer is entitled to cancel the agreement—an important development in consumer protection legislation of the past. Last summer our government brought in a 30-day delivery rule for goods and services bought from a door-to-door salesperson as part of that protection package, but this is a good rule no matter how the contract was arrived at, whether there was a door-to-door sale or another transaction. Now, under Bill 180, we're proposing to apply it across the board.

Let me give you an example. A consumer might hire a contractor who agrees to install thermal windows in a

house within two weeks' time as part of the contract. So the contractor then puts the insulation off week after week until it's too cold to do the work on time. Under the current legislation the consumer might not be able to cancel the contract even though the service was delayed so long. Under this proposed legislation, if a delivery or performance commencement date is missed by 30 days without the consumer's consent in writing—the consumer would have the opportunity to consent in writing if they thought it was reasonable to delay the contract. If the consumer does not give that consent in writing, then the consumer would have the right to cancel that contract because it was outside of that 30-day window.

The same thing with a 10% estimate rule. This is intended to protect consumers but it also helps businesses. If unforeseen circumstances arise and the delivery or service start date cannot be met, the business should communicate with the consumer so that he or she can make an informed decision on that exchange.

Holding goods for payment: one complaint the ministry hears about fairly often is about unethical movers who hold consumers' goods hostage until exorbitant prices are paid for their services. Early on I'd mentioned that that's number five on the top five scams in the province of Ontario. People trust home movers with their prized possessions. Holding these possessions in an attempt to receive greater payment is a significant violation of that trust. However, that current practice is not prohibited under the current regime of consumer protection legislation.

Hon Mr Clark: You're kidding.

Hon Mr Hudak: It's true. Our proposed legislation fills this gap, making it an offence to hold a consumer's goods to pressure them into renegotiating the contract.

I could go on but I think my colleagues were looking forward to speaking to this bill as well. I think this is an important piece of legislation for all members of the House who deal on a regular basis in their constituency offices with that senior who has been scammed or that student who got involved in an unscrupulous manoeuvre. This is common practice for us in our constituency offices. I know the members for Kitchener Centre and Peterborough, as well as my other colleagues, probably look forward to adding their own thoughts on the importance of this in solving consumer complaints in their ridings. I know there are others things they want to add about highlights of the legislation that they think are important to their constituents back in their ridings, whether it's in Port Colborne or Lanark county.

Before I conclude, I wanted to thank a number of individuals and groups who played an important role. This did not come out of the air; this came out of a lot of hard work over a number of years to thoroughly address these issues of consumer protection and to bring forward an important piece of legislation.

As I said, it's been 30 or 40 years since anything was done of significance for consumer protection as a whole. My predecessors, Ministers Norm Sterling, Bob Runciman and David Tsubouchi, played a very important

role and did a great deal of work in bringing this legislation to fruition, so I want to thank them. To indicate their ongoing interest, two of those ministers are here this evening to help, to participate and to listen to the debate. So I want to thank them for all the work they did to bring the bill to this point.

Other organizations such as the Ontario Home Builders' Association, the Renovators' Council, the Consumers Council of Canada, the Canadian Finance and Leasing Association—with respect to the different sectors' impact—the Ontario Real Estate Association, the Canadian Vehicle Manufacturers' Association and the Association of Canadian Travel Agencies are among many groups whose input in helping to ensure that high standards are set in their industries played very important roles in bringing this legislation to this point. We look forward to their support, to help this legislation get through three readings and pass into law in Ontario.

Highlights—gold medals, according to the script that's been handed to me—also go to the members for Oak Ridges and Stoney Creek, who have had very important roles.

Also, I wanted to thank the media for their support here. As I mentioned, I was out this summer talking about various consumer scams, the top five scams in the province that played an important role in helping to educate consumers about how to protect themselves. They said the most important item is common sense in these areas. I think the media helped to spread that message and make consumers aware of some of the operators who are out there trying to take advantage of them.

In closing, I would like to say that all of us on all sides of the House will find very important tools in this legislation, if passed, to help out those individuals in our ridings who have been unfairly taken advantage of. We all want to help protect seniors and young people, help them to protect themselves against scam artists and make sure they invest their money in goods and services—or on the Internet—that will benefit them and their families. We all want to have a very strong, safe and secure marketplace and confidence in that marketplace so these businesses can continue to grow and create jobs.

I hope we all agree we need effective, consistent and up-to-date consumer protection laws with strong enforcement mechanisms, and that's what this bill, if passed, will deliver. I hope all members of the House will support it.

The Acting Speaker: The Minister of Consumer and Business Services indicated he was sharing his time with two of his colleagues. I next recognize the member for Kitchener Centre.

Mr Wayne Wettlaufer (Kitchener Centre): I am very pleased to be able to speak to the Consumer Protection Statute Law Amendment Act, 2002. Speaker, you come from Waterloo-Wellington and part of your riding is Kitchener. Of course, my riding is also Kitchener, and we have another representative who has part of Kitchener, Deputy Premier Elizabeth Witmer. We've all heard many stories from our constituents about

the number of times they've been duped by the bad players—

Mr Bisson: Not duped by business. Is that like insurance people?

1920

Mr Wettlaufer: —yes, those, the bad players in business—and the experience they've had with a recent purchase. It's been a bad experience. Seniors who have been overcharged for services sometimes say, "I haven't had an opportunity to review the contract but I was intimidated and I was pressured. I signed the contract without realizing what I was getting myself into and now I can't make ends meet. I can't pay for this meal" or "I can't pay for that meal" or "I've lost my life savings," in the worst-case scenario. Some of them have said that.

It was interesting, Minister Hudak mentioned stories about families that go out and purchase a time-share, thinking, "Yes, I'm doing this great thing. I'm going to be able to spend some quality time with my family." Lo and behold, what they find after signing is that they don't have the week they thought they had. It's not the week they are going to be on vacation. It's not the week their kids are going to be on vacation. They've just made a bad investment.

Believe me, I know first-hand about the pressure tactics that can be exerted by these sales people of time-share projects. My wife and I looked at a time-share a number of years ago and she was all set to buy in.

Mr Garfield Dunlop (Simcoe North): But you bought a cottage instead.

Mr Wettlaufer: But I bought a cottage instead, I say to the member for Simcoe. What I said was, "No, I want to take time to look at this." You would not believe the pressure they put you under. They say, for instance, "Don't you think enough of your wife and kids that you will buy one of these and spend quality time with them?"

Interjection.

Mr Wettlaufer: No, there was no way I was having part of that argument.

To the people who might be watching on television tonight, it is quite common at night that we have a little jocularity across the floor. It's natural at night sittings, when we've been working since early in the morning—we all work for the same end, and that is the benefit of our constituents—that we're going to have a little jocularity. So I ask the television audience to bear with us as we have our little fun here tonight.

This is a very important bill. I hope in all seriousness that the members opposite will share our concern about passing this early. I believe you will support this. I honestly don't believe you won't support it. But I also urge you to consider that it's necessary to pass this with some haste.

Mr Pat Hoy (Chatham-Kent Essex): Time-allocated.

Mr Wettlaufer: I say to the member for Chatham-Kent that if you want to give me a little help, we don't have to impose time allocation. We could very easily move ahead with this, with your full co-operation.

There are so many scams that take place in the marketplace today. We've heard of the high school and university students, particularly the females who have signed up for modelling programs. Lo and behold, they find that after they've signed for some very expensive photos—we'll use that as an example—and some very expensive lessons, the seller isn't delivering the product they thought they were going to get. Not only does this affect them monetarily—and this could be many hundreds of dollars, sometimes thousands of dollars—but more importantly with these young people, it shatters their dreams. It affects them emotionally and for a long period of time. So I ask you to consider this when you're voting on this and also when you're debating this tonight.

I think it's necessary to take into consideration how cumbersome and outdated the present legislation is. The minister mentioned that most of the legislation has existed because of noble things that were done as a result of the needs that were required over the last 30 or 40 years. Well, I'm old enough to be his father.

Interjection.

Mr Wettlaufer: Yes, I am. I can tell you that much of the legislation that's in place today existed 50 years ago. This is outdated

Interjection.

Mr Wettlaufer: We're not going to get into that, I say to the minister.

Interjection.

Mr Wettlaufer: I know, he doesn't want to buy the time-share. I know, he doesn't want to be my son. I can accept that.

What I have found is that inquiries from my constituents that have taken place over the last four, five or six years—I can tell you that I have run into roadblocks. Every time I have a concern I can't address it because the legislation is outdated. We have to do something. So the Ernie Eves government has resolved to pass this bill.

Mr Bisson: Say that with feeling: "The Ernie Eves government."

Mr Wettlaufer: The Ernie Eves government.

Mr Bisson: With feeling.

Mr Wettlaufer: It is with feeling. I'm very proud to be a part of this government.

We have resolved to pass this legislation for the benefit of the unsuspecting public—

Interjection.

Mr Wettlaufer: It is, I say to the member opposite. The member from Timmins-James Bay, I say to you that this is the most comprehensive consumer protection bill in all of North America.

Interjection.

Mr Wettlaufer: I'm not going there.

The reality is that it's very important.

Mr Frank Mazzilli (London-Fanshawe): And Dalton McGuinty is still not up to the job.

Mr Wettlaufer: I'm not going there either. I know he isn't. I know that Dalton McGuinty is not up to the job, but I'm not going there.

When we talk about most of the present consumer laws, we talk about the fact that they were enacted 30, 40 or 50 years ago. Most of the present laws that are in place today were actually enacted before Sean Conway, the member from Renfrew-Nipissing-Pembroke, was elected, and you all know how long he's been here.

Interjection: Too long.

Mr Wettlaufer: I'm not going there either.

Speaker, 30, 40, 50 years ago the service industry was in its infancy. The computer industry was in its infancy. In fact, I believe it was in 1943 that the then chairman of IBM, Thomas Watson, said that there was a world market for maybe five computers.

Putting this all into perspective, that was when these laws were in place. We have to update them, we have to bring them into today's marketplace. We have to build in protection for things like Internet sales. The service industry, much of it being in its infancy 30 or 40 years ago, today accounts for 50% of our GDP. And how much of that is on the Internet?

In the 1950s, when I was a youngster, we had a black-and-white TV.

Mr Mazzilli: Really?

Mr Wettlaufer: Yes, we actually had television back then, Frank.

The laws that were in place were designed for goods, like the black-and-white TV. No, we didn't have remote control. They were designed for the goods, so if you bought a black-and-white television, for instance, that didn't deliver what it was supposed to, well, the consumer laws were there that you could take that black-and-white TV back to the store and have it repaired or have it replaced. However, if you broke your black-and-white TV and you took it to the repair shop and the repair shop said it was going to cost \$200 to repair, then—

Mr Mazzilli: You'd throw them out.

Mr Wettlaufer: No, you didn't. They were expensive. You didn't throw them out. They cost \$400. You didn't throw out a black-and-white television. You could take that black-and-white television to the repair shop. If the repair shop said it was going to cost \$200 to repair, you would repair it. On the other hand, if he said it would cost \$400, you would probably elect to not have it repaired; you would buy a new one.

What would happen if he would say it was going to cost \$200 to repair, you contracted with him to repair it and he then repaired it and came back to you and said, "Oops, the bill is \$400. I made a mistake"? You either take your TV and pay the \$400 or you leave it with him. Do you know something? The present legislation in place today, without the new bill, is exactly what we've got today. It doesn't cover the service industry.

1930

Mr Bisson: Is it retroactive?

Mr Wettlaufer: I wish.

We've had a service economy boom. We have to upgrade the legislation. The service economy is everywhere. We interact with it daily. I mentioned Thomas Watson's quotation in 1943. Today 64% of Ontario

families have at least one regular Internet user in their home. So there has to be some protection there to allow for the consumer, the average family, to buy goods on the Internet.

How is this going to help? It not only helps them but it also helps the economy because the sellers over the Internet are looking to have their businesses expand. Their businesses will not expand if there isn't protection for the consumer to buy on the Internet. It's simple. What came first, the chicken or the egg? We have to be able to provide some protection here for the consumer so that the consumer will have confidence in the Internet in order to buy products on the Internet, so that the Internet will expand. We in Canada are the leaders among Internet shoppers. We want to continue to be the Internet leader.

Unscrupulous businesspersons are few and far between—a very tiny minority—but they can ruin it for the rest without proper protection.

I've talked at length here. I've expanded somewhat on what the minister has said, but I do want to provide a little bit of time for my colleague the member for Peterborough to be able to get up and speak.

The Acting Speaker: The Conservative Party has about 13 minutes left to go in their time, and I recognize the member for Peterborough.

Mr R. Gary Stewart (Peterborough): I am indeed pleased to speak to this bill. I've been in business most of my life and I've done business with large and small firms, firms that unfortunately tended to be somewhat iffy in the way they supplied services and products. I have difficulty with that because the unfortunate part in this day and age is that the people who are getting, I guess for lack of a better word, picked upon—"preyed upon" maybe is the better word—are our senior population. I have difficulty because our seniors, who have been major builders of our communities in this great province, are coming out of some of their dealings with the business sector with the short end of the stick.

Certainly customer service and customer protection, I believe, go hand in hand. So I'm pleased to be able to talk to the proposed Consumer Protection Statute Law Amendment Act, 2002, and the potential benefits. I believe there are major benefits in this act that indeed will protect Ontario consumers and Ontario businesses.

This bill, I believe, is good news both for the consumer and businesses in Ontario. It's part of our government's plan to provide excellent protection for customers and to continue this province's leadership in supporting a growing and healthy economy.

The proposed initiatives provide for the harmonization of nine pieces of legislation into a legislative framework that is flexible. I suggest to you that is a very key point: that it must be flexible. There must be protection but there also must be flexibility in this legislation to make sure that we can adapt and prepare for the future.

The problem with most politicians is that we tend to think about as far ahead as yesterday or the length of time that we will be elected, and that is most unfortunate because I believe we, the Mike Harris-Ernie Eves gov-

ernment, are and have been planning for 10 or 15 years out. I think we have to do that. If we don't, we've got some major problems. The unfortunate part of the past is that, again, they planned for a couple of years, and when we got to the end of that, we weren't ready for what we must do and what we had to do. Unfortunately, that makes it difficult for the consumer and for the taxpayer, because they sometimes think that certain ways are going to go on forever.

Under the proposed umbrella legislation, six of Ontario's existing consumer protection laws would be combined into one modern—and I want to emphasize the word “modern”—proposed act to offer greater consistency and to raise the bar for protection in many areas.

Three pieces of proposed sector-specific legislation are also included in this initiative. These involve enormous investments for consumers, probably the most significant purchases most consumers will ever make: their homes, their vehicles and indeed their vacations—major purchases, and we have to make sure that those purchases are well protected. For that reason, we have to make sure that these goods and services are specifically regulated under the Ministry of Consumer and Business Services. Consistency has been maintained throughout the proposal for the change in the Motor Vehicle Dealers Act, the Real Estate and Business Brokers Act and the Travel Industry Act to make the law more comprehensible and fair. Again, I believe “fair” is the word we have to remember for the consumers and businesses. There would be regulation-making authority to establish formal codes of ethics for the professions and develop discipline committees to deal with the breaches of these codes. Unfortunately, sometimes codes of ethics get lost in the way certain people do business, and the consumer is the only one that is going to not benefit in any way whatsoever.

The proposed new Real Estate and Business Brokers Act would foster consumer confidence in Ontario's real estate market. The real estate market probably has been one of the booming businesses over the last three or four years and today, again because of increased jobs, because increased revenues that our government has put into place have made that happen. So we have to make sure that the real estate business is doing what it should do to protect the consumer. It gives consumers better protection and increased rights to disclosure and it also responds to the sector's demand for a modern and flexible statute.

The proposed new Motor Vehicle Dealers Act would include a provision to combat curbsiding. Curbsiders are people who sell vehicles for which registration is required but that are not registered—again a very easy way to bilk people who are looking for a car. Often these are cars that are not very expensive, but many of the people who buy these cars don't have a great deal of money, don't have enough money to buy a new car. You know, it's funny: we humans sometimes have a bit of a tendency to focus on illegal activity rather than on legitimate activity. Well, we are going to protect the people of this province.

Again under the Motor Vehicle Dealers Act, we want to improve disclosure to the customer and we want to enhance professionalism by allowing those magic words “code of ethics” to be the basis of discipline.

The proposed new Travel Industry Act would harmonize provisions for inspection, investigation and enforcement for those in other registration statutes. I know a little bit about this business from my background. Again, it's something the consumer is very vulnerable about. There are those who get into the agency business because they don't have to invest a great deal of money: a phone, a desk, a chair and a few things like that, pay the licence and away they are.

1940

Unfortunately, I can remember back in the old days when the agent was responsible if a wholesaler went bankrupt and didn't supply the service. The unfortunate part of it was that the wholesaler was the one who had all the money, and of course the travel agency would be stuck for six, eight or 10 months for anywhere from \$40,000 to \$100,000 that they had to pay back to the client. Again, the client was protected but the agency wasn't. We have to look at making sure it is a level playing field across the board.

Simply expressed, the new remedies and enforcement options proposed under the bill, and I'm going to list a number of them, are: increased maximum fines and terms of imprisonment—we will make sure that you pay the price if you are involved in illegal activity; uniform limitation periods; authorizing the court to order that a convicted person make restitution; measures to promote fine payment; and continuing to make it easier for consumers and businesses to know what their rights and obligations are by consolidating various statutes. The customer, the consumer, the business must know what those rights are, first of all to do business legitimately and to make sure, again, that the customer is protected.

This means that if the bill is passed, fines would be at least doubled, to \$50,000 for individuals and to \$250,000 for corporations. I can tell you that the first thing the opposition might say, and I hope they don't, is, “It's too high.” Well, it isn't too high for somebody who has a very limited income, very limited resources and is going to get bilked, whether it be for a car, a vacation or, indeed, a house.

Maximum terms of imprisonment would be set at two years less a day, from the one-year maximum in several pieces of current legislation. We will deter these people from taking advantage of the consumer.

Uniform limitation periods for commencing a prosecution would be set at two years across the board.

The court would be authorized to order that a convicted person make restitution.

There would be new measures to promote fine payment. For example, a lien could be registered against a convicted person's property if the fine was not paid.

The Ministry of Consumer and Business Services would have the power to freeze assets and order a business to stop using false or misleading advertising.

The members of this Legislature all know what can happen if advertising, first of all, is not done right. If there's any type of dishonest or misleading information in that ad, it is very easy for the consumer to believe what's in the paper because of how the advertising is done. Because it's done in the media, then it's supposed to be legitimate, and indeed it is. But if the right information is not there, then the unfortunate part of it is that the consumer is going to get jerked, for lack of a better word.

The proposed Consumer Protection Act, 2002, would also require that information must be disclosed clearly and prominently, and not hidden in fine print. The unfortunate part of it, again, is that you like to see the glossy ads and the coloured ads and the big print, but there at the bottom are things you don't take enough time to read that could make the purchase invalid or illegal or whatever, or you may not get exactly what you order.

It also would specify that if the language in a contract provided by a business were ambiguous, it would be interpreted in the interest of the consumer—and why not?

The proposed legislation would provide that an estimate in any consumer agreement must be honoured within 10%. Why not? If these people are legitimate, if they are in business and can make a contract or make an agreement, then surely to goodness they can do an estimate that is very close to what the end result should be. Certainly 10% is not out of line by any stretch. This requirement already exists for motor vehicle repair shops. Why should it not for other businesses as well?

The proposed legislation would provide extra protections in this sector by making it mandatory for repair shops to give customers written estimates—again, too easy to change if you don't have it in black and white. If they fail to do so, the shop would not charge for repairs done unless the consumer authorized in advance a maximum amount they are willing to pay.

Members of the Legislature, I truly hope that you will stand behind this act and that you will support it, because the taxpayers who voted for all of us are the ones we have to protect.

The Acting Speaker: Further debate? The member for Essex.

Mr Crozier: Tonight we're discussing Bill 180.

The Acting Speaker: Pardon me; I apologize. I have to call for questions and comments, if you would indulge me.

Questions and comments? I recognize the member for Essex.

Mr Crozier: I want to take a couple of minutes to say to the minister that I agree: we're all in favour of consumer protection. In fact there's little that we do today with our money, unless you're putting it under your mattress, that doesn't involve acting as a consumer. You can put your money in your bank and you're a consumer as far as the bank is concerned. You can go out to the grocery store and buy groceries and you're part of the overall consumer trade. You of course buy cars, goods and services. We're all consumers. We're consumers every day.

This is a very comprehensive bill. It's been alluded to a couple of times tonight that there's little question that we should support it. Certainly to the extent that it goes to protect consumers, I'm quite ready, willing and able to do that. What I do want, though, is for us to have the opportunity to debate the bill, to point out some of the shortfalls that may be in the bill and to discuss those issues that may not be in the bill that we feel should be. Our support of the bill will of course be dependent on the democratic process that is left in this Legislature, that we're given the opportunity to debate and amend it, and then we'll go on from that point and see whether we ultimately can support a bill that truly protects all the consumers in Ontario.

Mr Bisson: What has happened? The ungovernment government has come here and is passing regulation. I just find it very interesting that this government over the past seven years has come into this House at every occasion they've had to say that they have to deregulate business, that we should have no concern when it comes to business practices and that in fact regulations are a hindrance to the operation of business in Ontario.

As I sat here tonight, I was really—I wouldn't say "shocked"; I would just say I was somewhat surprised that some of the very people who had been the most vociferous when it comes to taking regulation out of Ontario, because they didn't want to hinder business, are now here preaching the right of being able to pass regulation and legislation in the House in order to regulate business. I just thought it was kind of interesting. It's a really different dialogue that we're hearing from the Conservative benches. I just think finally these guys maybe are starting to understand that in fact you do have to have laws and regulation in this province, and those aren't bad words.

I just say to the government that it took you seven years to figure that out. It's about time you figured out what government is all about. It's not about getting rid of government or taking government out of the face of business, as you put it. It's about trying to strike that balance between the ability of the private sector to do what it needs to do in order to make money and a return on its investment, and the right to be able to protect consumers or to make sure that there's legislation that makes sure that society is not hard done by when it comes to the practice of a business.

There are some things in this legislation that I am interested in. I certainly listened to the speech from the minister. I thought he raised a number of points which I can agree with. There are a number of things in this bill, quite frankly, that I think aren't bad things. But I just say again, welcome to government. Finally you guys are figuring out that you have a role to play.

1950

Hon Frank Klees (Minister of Tourism and Recreation): I want to take this opportunity to commend my colleague the Minister of Consumer and Business Services for bringing forward this piece of legislation which indeed does put in place regulations to protect con-

sumers. I also want to commend my colleagues the members from Kitchener Centre and Peterborough, who spoke to this bill and I thought made some very important points.

The member for Timmins-James Bay obviously hasn't been listening for the seven years that we have been bringing legislation forward.

Hon Mr Clark: Selective hearing.

Mr Klees: Very selective hearing. What we have said very clearly is not that we're opposed to regulation. We're opposed to red tape. We're opposed to the kind of regulation that stands in the way of businesses doing business efficiently and effectively. What we have said all along is that consumers should in fact be protected, that there are regulations that are necessary and appropriate, but what we have to do is ensure that they are specific, that they are effective, and that they are not going to stand in the way of business doing business in an efficient and effective way.

I know the members opposite feel the same way about this, and I think that's why we're going to have very broad support for this legislation. I believe that consumers in this province deserve to be protected against people and businesses that do things in inappropriate way, and there are those there. This is the role of government. That's why we're here; that's why we're bringing forward this piece of legislation.

Is this legislation perfect? I don't think any of us would pretend that any piece of legislation before this House is perfect. But I commend the minister for taking this initiative, and together as we debate this, I believe that we will do what is right for the consumers of this province.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I have to pick up on a comment made by the Minister of Tourism. He made some remark about how he's sure the legislation isn't perfect. I would hope that when members of the opposition, doing their job, are able to focus on areas where there could be improvements made in this legislation, maybe for once the members of the government might look to make it a little closer to being perfect than it already is.

I can think of one area in my riding, and it's in regard to that part of the bill that speaks to licensing and registration. I remember writing a letter to the gentleman who is now the Minister of Transportation, the member for Lanark-Carleton, about tanning beds in this province. I don't know if members of the government are aware that the people of Ontario are not protected when it comes to the operation of tanning beds. Anyone can purchase such a device and offer a service in their home or in their place of business, and not necessarily be required to take any kind of training. So a consumer who would be going in to avail himself or herself of this service might inquire, "What is a safe time for me to be exposed to the rays of a tanning bed?" and yet there's no requirement in this province that would make it necessary for the owner of that device or appliance to have any kind of training and

to offer an informed response to that particular question by consumers.

So I think there are probably areas that should be added to this legislation, and I would hope the members of the government would be open to those suggestions when they're made.

The Acting Speaker: Who is going to respond for the government? This is the response time.

I recognize the Minister of Consumer and Business Services.

Hon Mr Hudak: I appreciate the comments from the members. We'll look forward to debate from across the floor on Bill 180. I hope at the end of the day we will get all-party support for this important piece of legislation, this significant evolution in consumer protection legislation, as we did for first reading and I hope for second and third as well.

I want to thank as well the members from Kitchener Centre and Peterborough for their comments. They are both very accomplished and well-respected business people in their own right, the Kitchener member from the insurance sector and the member for Peterborough from the travel and tourism industry, who I think pointed out quite eloquently that consumer protection statutes help reinforce the integrity of the industries altogether by weeding out that small minority of bad operators. It helps legitimate operators to grow, prosper and create jobs. The member for Oak Ridges as well, entering into the debate as a successful businessman in his own right, knows that full well. That's why I know I can count on their support for this legislation.

The member for Oak Ridges pointed out quite rightly the difference between red tape and regulation. In fact, these laws currently do exist, as I said in my comments. It's just that they exist in a form from the 1960s and 1970s, when colour TVs were a luxury item, as I indicated. That's why it's important to update these laws, to bring them into today's reality with respect to the services sector, the Internet economy, and to make sure they're flexible enough.

As I said, scam artists by their nature are creative and they're always morphing their scams into a new area to try to stay one step ahead of the law and the legislation. That's why it's imperative, why the Ernie Eves government says fundamentally that this law, the new legislation, must be flexible enough so when that next version of the scam comes forward we can chase down the criminals and put that business right out of business.

I appreciate the comments from the member for Timmins-James Bay and I like to hear the 30-day rule as well would apply. So if the member offers a plane ride, for example, to somebody to see over the Kam Kotia mine site, he would have to do that within 30 days or the contract is cancelled.

The Acting Speaker: Now we have further debate. I turn to the opposition side and would recognize the member for Essex.

Mr Crozier: Thank you, Speaker. We're here this evening to open second reading debate on Bill 180, An

Act to enact, amend or revise various Acts related to consumer protection. It's a very comprehensive bill, I say to the minister, and he and his staff have covered a number of areas. It's a bill that's some 162 pages long and covers a wide variety of consumer services in the province.

I reiterate that if we take a dollar out of our wallet, in some way or another we are acting as a consumer. In everything we do today, in one way or another we act as a consumer, from the point of putting money into the bank to the point of taking money out and spending it on any goods or services that we may choose. So to the extent that this act addresses the needs of the consumers in the province, why certainly we will want to support it. There are some areas that are of concern to me and will be of concern to my members throughout debate, and I would even think and hope from time to time that the members opposite on the government side would have heard from their constituents where there are consumer concerns that they have.

For example, the acts that are consolidated into this act include the Business Practices Act, the Consumer Protection Act, the Consumer Protection Bureau Act, the Loan Brokers Act, the Motor Vehicle Repair Act and the Prepaid Services Act. There are, among others, some professional sectors that are regulated when it comes to this act: the Motor Vehicle Dealers Act, the Real Estate and Business Brokers Act and the Travel Industry Act. I would even note that the Toronto Islands Residential Community Stewardship Act is amended by this act, but it's a technical change. The Real Estate and Business Brokers Act is changed to the Real Estate and Business Brokers Act, 2002. So there are a multitude of things that we're going to have to deal with in this legislation. That's why I encourage the government to give their members as well as ours every opportunity to debate this and that when it is sent to committee we have the opportunity to amend the act, where we feel necessary, so that in the end, yes, we can all make it better for all consumers.

2000

I'm going to go through some of the areas, because we have a fair amount of time tonight to get into this. I'm going to touch on some of the general areas that this legislation covers.

The unfair practices provisions apply to leases other than leases of real property. There are increases in the number of examples of unfair practices, and I think that's a good part of the act, Minister, where we can make it more comprehensive: misrepresenting purposes of charges; misrepresenting time at which goods or services will be available, delivered or performed. I think those are good parts of the act.

It establishes implied warranty for fitness of services, like the currently implied warranty for fitness of goods. We can support that.

It covers class actions, where suppliers will not be able to prevent consumers from attempting to deny the right to proceed with a class action. Class action is something that's new to us, I think, here in Canada, certainly new to

me; one, though, that I think is a way where we can protect a number of consumers with one action, and each of those consumers can certainly limit their expense.

The minister has covered the time-sharing and the 10-day cooling-off period for time-share transactions. It kind of interested me. This is just an aside, because at the beginning of this debate things were rather light in nature, but the member from Kitchener Centre, I don't know, he's going to have to go home and answer this tonight, because he essentially said that he was sharp enough to avoid these time-share things, but that it was his wife who wasn't. I heard the story the other way around, that it was his wife who had to caution him about it. Then he went on. Not only did he take his wife to task over time-shares, but he said that females are generally the ones who are caught in modelling scams. Well, I know of one or two people in this House who are of the male gender who no doubt would qualify for those modelling deals as well.

We're going to cover unsolicited goods. Consumers will be protected from charges for unsolicited goods, and that's great. I believe that should be part of our protection.

The Internet is one that is really interesting. I know that this legislation makes an intent to put some reins on the Internet. Sellers must provide information in a format that the buyer could retain. The problem with the Internet is, as we all know, that it's worldwide. Consumers can now buy materials, goods, maybe even services from around this world. In fact, my colleague from Chatham-Kent was saying that there are something like nine million new Web sites or e-mail addresses or contacts that you can make on the Internet every day—nine million new a day. So anything we can do to control the purchase of goods on the Internet I'm in favour of, but I'm going to be interested to see exactly how we're going to accomplish this.

Payments: consumers can recover payments received by suppliers in contravention of the act as if the transaction had never happened. The agreement, related agreements, related guarantees and security come under this. What I wonder is if this means that the reversal of interest charges incurred because of payments taken in contravention of the act and credit rating damage can be incurred because of it. So these are questions we're going to have to try and answer throughout the debate.

Restitution: courts will be authorized to require compensation. That's good. We'll have to have some idea, since I'm not a lawyer, of the extent to which consumers have to go to get this restitution. Do they have to hire a lawyer? Will lawyers advise them of the likelihood that they're able to recover?

The act, any act, is written on a piece of paper. The real test of the act is how well it protects consumers and how it minimizes the expense of accessing that protection.

That's something we should discuss. Perhaps government members, as we go through this debate, can provide us with the information.

Certainly we agree with the cooling-off period. It's kind of interesting—whether it's 10 or 30 days—one of my colleagues suggested perhaps after an election there should be a 30-day cooling-off period in which we get to take our vote back if we're not happy with the way things turned out.

The delivery rule that goods or services must be delivered or commenced within 30 days or the consumer may cancel the contract: that's a good part of this act.

I had a constituent who had signed up for home renovation. It was well into six months before this builder, the home renovator, even appeared ready to begin the construction. What this constituent would have liked is just what this bill is going to deliver, and that is the opportunity to say to that particular home renovator, "No thanks. You didn't start in 30 days. I'm going to go out and get somebody else." I like that.

Estimates are required to be binding and can't go above 10% of the estimate: there are probably many of us in this Legislature who have experienced that, where we got a bit of a billing shock when we thought we were going to get something done for a reasonable price and it turned out not to be so reasonable.

I'm going to get into some of these areas in a little more depth, but negative option billing certainly is one of them, and that is that demanding payment for unsolicited goods and services would be illegal.

When it comes to maximum fines, there was a suggestion that maybe we would somehow think that these maximum fines were too much and should be reduced. Certainly not. I think that adequate fines are the real deterrent so that people don't even get in trouble in the first place because the goods and services that are provided—the provider knows full well there's going to be an extreme penalty: individuals at \$50,000 and corporations at \$250,000.

There's one part of the bill that I'm going to touch on at the outset. I'm not a lawyer and, as I look around, I don't know whether we have any lawyers—yes, we do. The Minister of Transportation is an engineer and a lawyer. The only thing he isn't is an accountant and I don't know whether my profession would allow him into that or not.

Under the term of "searches"—and there are a number of places in this bill. It's really interesting. I've come across four or five, but in exigent circumstances a search of premises other than the premises that are a dwelling may be done without a warrant. I have a little problem with that. If somehow, uncontrolled, we're going to allow someone to search my property—it may not be my dwelling—

Interjection.

Mr Crozier: That's what it says. They don't have to have a warrant, and that's what I'd like to know. To me, if someone can come in and search my property, notwithstanding it's not my dwelling, without a warrant, I want to be sure that's not one of my rights that's being—

Hon Mr Clark: Only if you're in danger.

Mr Crozier: "Only if you're in danger": it really doesn't say that. In fact, the definition of the word—and

I'll attempt to find it here—oh, yes, here it is. The definition is, "requiring immediate aid or action." It doesn't say whether you're in danger. It just says, "requiring immediate aid or action." I want us to be very careful that this exigently—there I am; I'm having trouble with the word because I've never heard of it before. I want to be very sure that doesn't infringe on anybody's right, and I'm sure we'll be able to get that assurance as we go along. Those are some of the areas of the act that are covered that we're going to be able to debate over a period of time.

2010

There's one place the act doesn't cover and it's of interest to me. Under "Application," section 2, it says, "This act does not apply to the supply of a public utility or to any charge for the transmission, distribution or storage of gas as defined in the Ontario Energy Board Act, 1998, if such charge has been approved by the Ontario Energy Board." Therefore it covers marketers of gas and retailers of electricity. It applies to the transaction with a gas marketer who is a supplier and with a retailer of electricity who is a supplier.

I want people to understand clearly what this act doesn't cover. I'd like to suggest to the minister this evening, since he brought up the top five scams that they were able to determine through some survey in Ontario that in their view are the top five scams, what I consider the top five scams are and that this act doesn't address. Hydro rates are one; retroactive charges for natural gas are another; gasoline prices, especially before a long weekend; Visudyne, where the ministry was going to cover it but we find that you have to be 50% blind before you can get that coverage; seniors' care copayments; and I could get into auto insurance as another one. These are areas that I wouldn't necessarily call scams, but certainly in the eyes of the consumer they verge on being very, very unfair. I would have hoped that this legislation would cover some, if not all, of those areas.

I'll start with the third item on my list: gasoline prices. Gasoline prices are a very price-sensitive issue. It's one that I get calls on constantly from consumers. They are complaints I get and that I would imagine government members get when the prices go up before long weekends. So I say to the minister that I would have liked to see in this legislation that he had taken his own government members' advice. Back in June 2000 a report was presented to the Honourable Mr Runciman, the Minister of Consumer and Commercial Relations at that time, which is now consumer and business relations, the Ontario Gas Prices Review Task Force report, Fairness at the Pump. I took that report, since it hadn't been acted on since 2000, and drafted a bill, a consumer protection bill, and I would be more than pleased if it would be included in this legislation. In fact, we're looking at the amendments we could make to this legislation that would make it even more comprehensive when it comes to consumer protection.

What we would suggest this would do: that they would require every gasoline retailer to advertise a

change in the price of gasoline at the retailer's gas station at least 72 hours before actually changing the price. What could be fairer and what could be more protective of a consumer? The consumer then would have the opportunity to go to that retailer and say, "Hey, I'm going to fill up my various one, two or three vehicles before the price goes up."

This bill I've presented, that I hope the minister will consider including in his protection bill, would also require gasoline retailers to indicate on their price signs what portion of the price is dedicated to tax. That's now indicated in most gas stations at the pump, but that would put it right out in the public view. They'd know the net price they're really paying to that gasoline retailer and in turn to the gasoline supplier.

The suggestion I would make to be included in this bill would require gasoline retailers affiliated with major gasoline retailers to indicate their affiliation on the signs at their gas stations and on the receipts issued at the gas stations. I think back to 1998 when then Premier Harris said, when gasoline prices were skyrocketing, "I'm going to bring those big retailers to heel." He was going to make them account for those outrageous prices and he was going to do something about it. Well, this would give the consumer the opportunity to do something about it, because if they didn't want to deal with one of the major oil companies, why, they could go to some private retailer and deal with that individual.

Fourth, I would suggest it would be appropriate to include in this legislation that large oil companies that produce, refine and market gasoline file segmented earning reports to the Minister of Consumer and Business Services.

There are just four suggestions from what is a government report, the Ontario Gas Prices Review Task Force, its own government members. You will no doubt recall, as I do, that the members of that committee were John O'Toole MPP, who was a co-chair, Joe Tascona MPP, a co-chair, Ted Chudleigh, a member of the task force, and Dan Newman, also a member of that task force until March 2000. I can't think of anything better, Minister, that would make your government members happier than to take the advice of this gas prices review task force and put it into legislation. I would be happy, notwithstanding the fact that I've proposed a private member's bill on this.

Hydro rates: I'm sure that the minister, with the resources he has in his ministry, would be able to do something to help today's consumer when it comes to hydro rates. The rebate was mentioned by my colleague from Brant, that consumers actually get the rebate it has been suggested we're going to receive, and get it sooner than later, because there's a cold, harsh winter coming. I know they would welcome this rebate. Perhaps in this consumer protection, at the direction of the minister, this rebate for these extremely high hydro rates could be included in that. Perhaps in this consumer protection there could be some advocacy, some regulations, that would in some way or another satisfy the consumers that

they were getting fair value for their money, because that's another issue that takes up a great deal of time in my constituency office these days: answering on behalf of the government that they promised lower rates, but they're not getting them.

Unlike the gasoline retailing, where we had specific suggestions, what we're willing to do, at least I'm willing to do, is work with the government when it comes to these high hydro rates.

2020

Third on my top five list of consumer concerns are retroactive natural gas prices. I say to the minister, in protecting the consumer, not only the residential consumer but the business—there are greenhouses in my area and in the area of my colleague from Chatham-Kent Essex that will be paying tens of thousands of dollars in retroactive natural gas prices. We have public institutions like school boards that somehow or another are going to have to find literally, in some cases, \$100,000 to pay for retroactive natural gas prices.

I would think that as the consumer advocate, as the minister at the cabinet table who stands up on behalf of consumers, this minister would be able to convince, if that's the word, his cabinet colleagues and the Minister of Energy to use their authority to back off from this horrendous increase that's going to be put on seniors, that's going to be put on the disabled, who are on fixed incomes, that's going to be put on the backs of many of the poor.

I would think that anybody who lives particularly in the service area of Union Gas would be hearing the same thing I am, and this is only one e-mail out of thousands we have received and petitions that have been signed by thousands: "I am writing this letter to show my displeasure with the retroactive \$120 charge being imposed on the citizens of your constituency." This is addressed to me. "Personally, I find this charge to be offensive and preposterous." This consumer says, "I was not a Union Gas customer when the charges were incurred." I think I was able to assure that consumer that since he wasn't a customer at the time it was made retroactive, he wouldn't have to pay it, but it is indicative of the way they feel. They don't even understand, from the information they've been given, whether if they were consumers at the time they have to pay or whether they have to help somebody else pay.

The point of this is that it is a consumer issue that's on the top of everybody's mind today. They feel helpless, and all they want is some help, and I can't think of anything better, any person better, than the Minister of Consumer and Business Relations to help them with this.

I want to talk for just about a minute or two about the next consumer concern. I hesitate to put them even in the light of a consumer when it comes to medical needs, but the government, in fact, when it comes to education, has referred to students as clients, so I guess I can take the word "consumer" and apply it to a particular part of our society who had some hope, a few months ago, when they were led to believe that they were going to get a

certain treatment that would be paid for. Now we find that not only the majority of them but in fact 80% to 90% of the patients who need this potential treatment aren't going to receive it.

The people of the province feel they need some protection in that area, where they're led to believe something, much the same as they are when it comes to false advertising or when it comes to pressure tactics—when they're led to believe something and then they find out later that it's not the case. These are consumers who feel left behind. In this case, when it's the need for Visudyne, they have to be 50% blind before they can get their help. Presumably, in this bill you'd have even more protection for somebody who was led to believe they could get that kind of help.

Seniors: we could go into a number of areas. I've touched on gasoline pricing. I mentioned that auto insurance rates weren't part of the top five but are very close to the top five. These are areas where seniors who are on fixed incomes feel most vulnerable as consumers. Earlier this summer, we found seniors who were in nursing homes were going to have to be co-payers. They were going to have an increase in their fees to stay in nursing homes. It's that kind of person who needs some protection, whether the Ministry of Consumer and Business Services has to protect them from the Minister of Health or whether he has to be an advocate to help them in any area.

Mr Wettlaufer: Are you still talking?

Mr Crozier: I am indeed, but I haven't yet brought my wife into it or most of the females in the province, so I'm doing OK.

They feel they need some sort of advocate, and I think the Minister of Consumer and Business Services can be that advocate.

Take auto insurance, for example. I will add it to the list. I'll make my list have six serious concerns about consumer issues. The government told us that they were going to make insurance rates more fair and equitable. I sent the Minister of Finance my own insurance policy this summer, on renewal. You won't believe it, but it's true. My insurance went up 46.7%. I immediately called my broker and said, "Obviously my insurance company doesn't want my business." The risk hadn't changed—no tickets, no change in vehicle, no change in driver status, nothing, no change in risk whatsoever—and my insurance went up 46%.

I suspect, and I've looked into it, that that's not indicative of the whole market. That may have been my particular insurance company. But increases in the range of 20% aren't unusual. What consumers are feeling is, "What can we do? Here's a service we have to have, because it's illegal to drive without it, yet there's nobody to go to to give us any help." So I went to the Minister of Finance.

Actually, I could have written my own reply, because 9/11 was one of the things that was blamed. Well, I'm led to believe that 9/11 certainly has had a serious effect on much of the reinsurance market, the market worldwide

and the commercial market. I'm also led to believe that it doesn't have the effect on personal lines—on auto and homeowners—that some of us might be led to believe. Also, I was told there are pressures on insurance rates and there is fraud in the system—absolutely I can believe there is—and there is a great of pressure in the accident benefit area. My point is, I could have written that reply.

What I am saying to the Minister of Finance and as well to the Minister of Consumer and Business Services is that the only thing that matters to the consumer is, "Who can I go to for help? Who is going to protect me from this kind of thing?" Those are some of the answers they're looking for in Bill 180 that we haven't yet been able to find. I don't know whether the minister will have some suggestions after we debate this bill or not, but I certainly hope so.

One other area I'd like to touch on, that this bill touches on in fact, is negative option billing. I'm pleased that there is something in this bill on that. I can give you a couple of examples. You'll recall a few years ago where there was quite an uproar because of the fact that certain cable services were going to be charged through what we would call negative option billing. As many of our consumers know, that is where you have a service being provided and there is either an increase in that service, ie, additional channels in terms of cable television, or it might be bank services where they give you more than you ask for, but the problem is they're going to charge you more for it as well.

2030

I had an example just within the last few days—and those in the Metro area will understand this—where a young college student signed up for a yearly pass on the TTC, used it while she went to university last year, but has since graduated and moved back home. She doesn't live in Toronto any more. She got billed, without a word to her, without asking, for another year's service on the TTC. We called the TTC and they said, "We just automatically renewed it," but she hadn't asked for this service. It took a lot of—I won't say unkind words—strong words to finally get the TTC to agree that since this newly graduated student hadn't asked for it, she didn't have to pay for it. I don't know how many users of the TTC may fall into that and may just give up.

I remind the minister that even though I'm pleased to see that this kind of problem is being addressed in this legislation, he's bringing it forward in 2002, when on October 9, 1996, six years ago, I introduced a bill that would have prevented negative option billing, a very simple bill to extend the scope of protection provided to consumers under the Consumer Protection Act to include protection from the practice of negative option billing with respect to the provision of services. I say good for you, Minister. The point is, I introduced this bill six years ago. Back to the humorous aspect of it: the minister thanked everybody under the sun over there, but I would have humbly thought he could have thanked me for having reminded them six years ago that we needed this kind of legislation.

Anyway, there you have it. You have five or six areas where I feel the bill falls short in what it's intended to do and what consumers want it to do. We all want better consumer protection, and who most of all than the consumers themselves? As we go through debate on this bill, I may even, at another time, have one of my colleagues bring up the fact that some years ago, 1975, to be exact, when gasoline prices were skyrocketing, then Premier Bill Davis brought in an act to provide for an interim freeze in the price of certain petroleum products. So there's a multitude of things we can do to protect consumers that aren't in this bill.

Little Prince Edward Island has legislation that protects consumers from being gouged at the pump. If they can do it, we can do it. If it's within their authority as a provincial body to do it, we can do it. So I ask the minister to relook this bill. As my colleague Mrs Dombrowsky suggested earlier, there is a way to make this bill that is admittedly not perfect—a government member said that—at least better. I would ask the minister, as we go along, to consider the protection of consumers when it comes to electricity, when it comes to natural gas prices, when it comes to gasoline prices, when it comes to the services that the Ministry of Health is providing, Visudyne in particular, and when it comes to the treatment of seniors in a number of areas.

I thank you for your indulgence. I know we've only touched the surface on this bill and that there are others who want to speak to it, particularly my colleague Mr Parsons from Prince Edward-Hastings. With that, I'll rest my case.

The Acting Speaker: Did you intend to share your time with the member for Prince Edward-Hastings? Is that what you're saying, Mr Crozier?

Mr Crozier: Yes.

The Acting Speaker: OK. I will turn to the member for Prince Edward-Hastings.

Mr Ernie Parsons (Prince Edward-Hastings): I'm pleased to speak to this bill, but before I start, I have a four-year-old and a five-year-old at home who don't like me being away at night, and I don't like being away from them at night. My wife has told them that they could stay up until I started to speak. So guys, it's bedtime now. I'll give you a phone call in the morning, but go to bed.

Interjections.

Mr Parsons: No, they need to go to bed before I speak, because I don't want them learning bad habits.

Mr Dave Levac (Brant): Trust me. Give them five minutes and they're already asleep.

Mr Parsons: That's right. Linda, if you let them watch, they may go to sleep.

Anyway, this is a serious matter. I really need to speak to Bill 180, An Act to enact, amend or revise various Acts related to consumer protection. As so many of my colleagues have said previously, there is some very good material in here, material that maybe took seven and a half years to get into legislation, but good material. I notice it's called the Consumer Protection Act. That does ring a bell with me. I believe this Legislature passed a

Taxpayer Protection Act, but I'm not sure that—in fact I know we haven't followed everything in it. So I hope we adhere to the Consumer Protection Act much better than we do to the Taxpayer Protection Act.

Looking at this bill, again this is a fairly massive bill—sorry, I'm of an age that I have to put glasses on—of 162 pages.

Mr Bisson: On a point of order, Mr Speaker: It's Mrs Parsons on the phone. They won't go to bed.

The Acting Speaker: That's not a point of order.

Mr Parsons: I'll look after that on Thursday when I'm home. They'll be tired by then.

A bill this size that affects so many people in this province just begs for the public to make comments on it. I'd like to make a suggestion that when the government puts forward a bill like this, it be translated into English. I think it would be nice if we could have a document available that would say, "This is what it means" in layman's language. It is a bit of a challenge to understand.

Look, for example, at a section here: "This act does not apply to the supply of a public utility or to any charge for the transmission, distribution or storage of gas...."

"(4) Despite subsection (3), this act applies to a transaction with,

"(a) a gas marketer who is a supplier; and

"(b) a retailer of electricity who is a supplier."

What exactly does that mean: it applies, but it doesn't apply? I really think, as part of the Consumer Protection Act, that there should be a requirement that the bills this House debates be in a form that the public could understand. If we need to have the contracts coming from industry be understandable, we need the bills from government to be understandable.

Sticking with that particular section, it says, "This act does not apply to the supply of a public utility or to any charge for the transmission, distribution or storage of gas as defined in the Ontario Energy Board Act, 1998, if such charge has been approved by the Ontario Energy Board." So in this case, taxpayers and customers are protected by the Ontario Energy Board Act. My question is, who protects us from the Ontario Energy Board?

I cannot think of any item in the world I could purchase, a fridge or a stove or a car, where two years later the seller could come to me and say, "I didn't get enough for that refrigerator two years ago. You owe me so many more dollars." I could say, "No, I'm not going to give it to you, because we paid in full and I got a receipt." I think about the customers of Union Gas who paid for the gas each month, got a receipt that said "Paid," got a receipt that said they had met their obligations, and now they're getting a bill. It was going to be \$40 a month for three months, and now it's \$20 a month for six months. That still comes out to the same total. And instead of starting it in December they're going to start it in January, so they're waiting until the bills go high in January with the cold weather perhaps; I don't know. The fact is, these people paid for the gas.

2040

In the case of the refrigerator, I could say, "No, I'm not going to pay you for the refrigerator. My bill says

'Paid'." In the case of the customers of Union Gas, if they don't pay the surcharge or the backdating, the gas is cut off, so they don't have a lot of choice. The Ontario Energy Board approved their going after people to capture money for a commodity that had already been paid for. I don't understand that, and I think it's wrong.

We have examples in here of protection for consumers, and I would suggest to you that consumers urgently need protection from gasoline companies. I know what is being said, that it's an open, competitive market and that there is no collusion between the various gas companies. I hear that, but then with my own eyes I notice, when I drive by a set of gas stations, that they all have the same price, and when one goes up, the others all go up within the hour. We deal in litres. I see gasoline prices jump by seven cents a litre, but if we think in terms of gallons, that's a 31-cents or 32-cents-a-gallon jump instantly. From time to time I have an occasional need to be in the United States, and I notice that when their gasoline prices move up they move up one or two cents a gallon. Ours move up 32 cents a gallon instantly. I notice when I drive through the US that there'll be a gas station selling gas at \$1.27 and another gas station across the road at \$1.35. I don't see a seven-cent variation in Ontario.

This government established a group called the gas-busters. They were going to bring the gas companies to their knees and they were going to produce a fairness in gas. I think they got their mission backwards, because I would suggest it's worse instead of better. So consumers continue to need protection from gasoline costs. It's not there. I represent a rural community where you drive to work and you drive to shop. Not everyone can live in an urban area. Thank goodness our farmers stay on the farm, though in ever fewer numbers. So a way of life for rural areas is the fuel costs, and they get no protection for that.

In fact, I'd suggest consumers could use protection in terms of the quality of gas that this province allows. We have extremely dirty gas in Ontario. We are paying good money to automobile companies for equipment that they're putting on to clean the air, and rightfully so. Yet the government could very simply solve it by bringing in place the gasoline standards that exist in much of the rest of North America. We should be ashamed of the quality of the gas. The people of Ontario need protection not just from the gasoline companies but from the gasoline itself.

We need protection—and I see in this act—from energy marketers. I have had a young man come to my door and indicate to me that he's from Ontario Hydro. He wanted to see my electric bill; he was going to check that I had filled out a form correctly, and if I hadn't filled it out he was going to help me fill out the form. There is no Ontario Hydro any more. There's Ontario Power Generation, there's Hydro One, but there is no Ontario Hydro. When I questioned him, he decided to leave relatively quickly. So we're seeing some protection in the bill from the energy marketers coming to the door, and good for the bill.

One clause in there that sounds good is dealing with Internet agreements, that people who purchase goods

over the Internet will have certain protections. Although that sounds wonderful, my question and challenge is, how will it work? Because the great thing about the Internet is that you can buy items from anywhere in the world now. I bought a part for a car a couple of months ago and it turned out to be out in BC. I had bought the car locally but there were some problems with it. The member for Brant will understand what I'm saying. I purchased a part off the Internet, sight unseen, from an individual in British Columbia. He turned out to be a most honourable gentleman. I sent the money out first; he sent the item. Everything was great. But suppose he hadn't shipped the item to me? Suppose a company on the other side of the world billed my credit card and didn't deliver? What is Ontario going to do? What will our authorities do? What will we do when the money has gone to the other side of the world? The Internet, I'm afraid, is a bit of a monster. Certainly I applaud some attempt to control it, but the reality for Internet transactions is that it's still a little bit "Buyer beware," much the same as previously when people would phone a 1-800 number and read their credit card number over the phone to a stranger at the other end. I don't think it will be as good as it sounds.

I think there should be consideration given to a Consumer Protection Act that would protect—perhaps we shouldn't call it consumer; we could call it a citizen protection act—citizens from their government. There is increasingly a need for that. I can think of a number of things that have happened just in my short time as a member that convinced me that people needed protection.

Our seniors need protection from being ripped off on their long-term-care beds. We saw a government attempt to bully through, after the House had adjourned—I believe it was in June. The following day it put in a 15% increase to seniors on their long-term care. You can't get much more vulnerable than seniors in long-term-care beds. People have been good citizens all their lives, raised their families, paid their taxes, did everything right, and suddenly they're hit with 15%. I can appreciate the government saying, "Nobody is going to be thrown out on the street," and I'm not aware of anybody thrown out on the street, but I am aware of seniors who had been in a private or semi-private room and had a certain quality of life that was fairly compatible to the way they'd been living. I think all of us appreciate that going into a long-term-care facility is a major change in lifestyle. So here we have seniors in a long-term-care facility hit with this increase, and because of the increase that they couldn't afford, they have been moved and are now, even to this very minute, in wards.

I had a gentleman in to see me to discuss his mother, in her late 80s, who had been in a private room and could not afford the increase. She is now in a ward where the resident next to her basically yells and screams 24 hours a day. This poor individual has to tolerate that because of the increase.

I know the increase was scaled back, but the increase was scaled back to 7% the first year. I don't believe any

seniors had an increase of 7% on their old age pension. I know they haven't; on any pension they haven't had that increase. So they're dipping into savings, or, if they don't have savings, they've suffered a lifestyle loss. Citizens need protection from the government unilaterally moving like that: no consultation, no hearing, simply it's going to be 15% more.

Our young people need some protection against the government's fiscal decisions that could cost them a career. I'm referring specifically to the issue of the double cohort. We're going to have two classes graduate this spring looking to get into college or university next fall. I can't imagine being one of the 7,000 students who have done everything right—it used to be in Ontario that if you were a good student and you worked hard you could go to college or university. Now you've got to be a good student, work hard and come from a rich family. On top of that, you still might not get in.

Right now, universities have a qualifying mark. For example, when my son went to Queen's for engineering, no student below 84% got into engineering that year. Any student below 84% was considered to be not qualified. Granted, they were an Ontario scholar, granted they were a very bright individual who would have contributed to the province, but they didn't get in. Now we're going to see students with far higher marks denied, solely because the savings that were supposed to accrue from the ending of what we traditionally called grade 13 did not go into making the double cohort work. We've known for years that this double cohort issue was coming. People have kept their heads buried in the sand hoping it would go away, but it's now coming. We in opposition are receiving calls from parents and students; I know members in government are.

2050

So there are a number of things that clearly indicate that citizens need a kind of a charter of rights or a citizen protection act.

Environmental assessments: we passed legislation that prescribes environmental assessments. My issue on this very clearly is with garbage dumps. Garbage dumps are one of the major issues facing our society. Certainly energy is one, and health and education. But garbage dumps are not very glamorous. We don't want to talk about them; we'd like to just kind of ignore them. It was awfully tempting to take the garbage from this particular community and truck it off to Michigan, but the reality is, garbage dumps present challenges.

So it is absolutely critical that we do a full environmental assessment of every possible implication of a new garbage dump, but far too often—and I'm thinking about the dump in the greater Napanee area, the Richmond township landfill site, where the government has allowed the applicant, a large American garbage firm, to shortcut the environmental assessment process: "You don't even need to determine whether there's need for a dump or not. If you want a dump, there must be a need for a dump," seems to be the attitude.

The public needs assurances and guarantees from this government, with penalties; if the government does not follow a prescribed process, there has to be penalties. For the people in my community, if leachate from the dump enters the groundwater, they pay an awful price for I don't know how many generations. It is so simple to take water out of a lake and clear it, but water that rural Ontario depends on—my community lives on wells, my community lives on groundwater, and to abbreviate the assessment process is simply wrong. The citizens need protection from their government, that their government will stick to it.

Citizens in Ontario need protection from the government's on its family responsibility act. The government needs a covenant with people who are divorced and have money being funnelled through to them. The government said, "We will collect the money and pass it on to you, and we will enforce it; we will hunt down people in arrears. This is what we will do." If any other firm, a fitness club or a bank, came to us and said, "You pay this money and we'll do this for you," we think they should be hounded and chased, but this government doesn't feel any shame for the fact that these people who pay taxes now need this service.

I continue to try to get my mind around the fact that the victims of the government not enforcing the orders through the Family Responsibility Office are children and in most cases women—not always. How could we deny children the money they need for food, for clothing and for shelter? Yet the government does. The government is in arrears, recognizes that \$1.2 billion is in the wrong pockets. The government made a commitment to find that money and flow it. I can appreciate that it's hard to find the individuals who are in default, but I am intrigued that the Toronto Star can take a typical case, put a reporter on it, find the individual the next day and go and interview them and it's reported in the paper the next day. But we're not able to find 75% of the people who are supposed to be paying money.

If you owe money to Highway 407, they can find you, because they'll take your driver's licence away. That's no problem at all. But if you're not providing the food for your children, the government can't find you, just can't seem to locate you. So again, citizens urgently need protection from their government.

The citizens need an absolute, firm commitment that the government will honour its commitment to have universal medicare. We're seeing a gradual erosion. We're seeing a government that stood for universal medical care but now, bit by bit, you can have user fees for this, you can have user fees for that. We need MRI units in Ontario, yes we do. I know it's a new technology and I know this government has considerably expanded it. But the focus now is to have private operators do it. Assuming that they're going to pay the people the same amount of money, or they won't leave public service to work in private, and assuming the machines will cost essentially the same, what's the purpose of having these private MRI clinics other than to make them available to

the wealthier? The quality of your health care in Ontario is going to depend, very shortly, on the amount of money you have in the bank. That again defies all that we stand for in Ontario.

This act that has taken seven years to put together to provide protection for the citizens of Ontario still leaves them vulnerable on so many other things. The government guarantees good education; doesn't deliver it. The government guarantees good health care; doesn't deliver it. This government guaranteed—well, actually, they guaranteed a couple of times that they'd pass an Ontarians with Disabilities Act. Now they passed an Ontarians with Disabilities Act that, well, sounds good, but it doesn't really apply to anything.

Some US states have a truth-in-advertising law, where companies can be fined if they do not do what they're saying publicly they do. We need kind of a truth-in-legislation act in Ontario that would say that a government bill has to deliver more than a title.

We have some of the greatest titles in North America that have gone through this House. We've got a Taxpayer Protection Act that we found out doesn't protect taxpayers. We have a whole series of acts. We have an Ontarians with Disabilities Act that basically says, "There are Ontarians with disabilities, and we recognize that." Well, thank you, but do something for them.

So the bright lights who come up with the titles of the bills, put them to work and have them come up with a bill that will guarantee to the people of Ontario that you will deliver what's in there.

On the other hand, the good thing is that there's report time coming. The people of Ontario, when they can't get into the hospital, when they can't afford their hydro bill and they lose their apartment, when their son or daughter can't go to college, they're going to issue a report card.

Interjections.

Mr Parsons: Yes. Well, you can laugh now, but you're kind of whistling in the dark, I'm afraid.

Speaker, I think my time's exhausted. Good start, but not a finished bill.

The Acting Speaker: Questions and comments?

Mr Michael Prue (Beaches-East York): I listened with some intent to the speakers from Essex and from Prince Edward-Hastings, and much of what they had to say made sense. I do think, though, and I do agree with some of the members opposite, that toward the end, the speaker from Prince Edward-Hastings did deviate a little from the bill itself.

Mr Parsons: You should have spoken up.

Mr Prue: But he started off very well, and there were a couple of points that need to be focused on and I hope to focus on in my own speech, and that is when he said a very telling phrase, and that was talking about the Ontario Energy Board: "Who is going to protect the consumers from that board?" Certainly this bill is not going to protect them.

He went on to talk about the real problem that consumers throughout this province are having in a whole variety of issues. I agree that all of that which is

contained within the bill is important and all of that which is contained in the bill will in some way help consumers, save and except that the consumers appear to be most angry and most gouged around several key areas.

One is the payment to gas companies, where they feel they are being ripped off because they're now being asked to pay for energy that was used some two years ago. The various gasoline companies, at will, will hike gasoline prices, usually on the day before a long weekend. And last but not least, and certainly most importantly—I think all members in the House will agree—and that is on the electricity charges that are coming now home to roost to all of the consumers who had been promised lower electricity charges throughout these many months by people in this Legislature, only to finally get the bill. Even those who thought they were protected because they signed on the line with a door-to-door salesperson are seeing that in fact they are not protected because of all of the additional charges that are contained, that an ordinary bill which last year would have cost them \$150 is now costing them \$250, even though there has been no increase in usage.

Consumers are screaming out for protection. I commend the government for protecting them in a little way, but we intend to give this bill much more teeth before it's over, to protect all consumers.

2100

Hon Mr Hudak: I'm pleased to rise again. I appreciate the comments from my colleagues across the floor. I look forward to the third party's comments.

I just wanted to provide some clarification on a couple of the issues they brought up with respect to public utilities, and the hydro sector in particular. I know it's an important issue to your constituents. They ask why that was not incorporated in parts of the act. I think members will remember that we did bring forward a piece of legislation this past summer called the Reliable Energy and Consumer Protection Act, 2002, which has gone through all three readings and passed in the House. I would just remind members that that area did cover this particular sector. In fact, the same consumer protection principles that exist in this bill similarly reside in that previous bill. I want to thank the staff at the Ministry of Consumer and Business Services who worked hand in hand with the Ministry of Energy to ensure that those protections exist.

Let me give you an example. Just as we are eliminating negative option billing in Bill 180, so too we eliminated negative renewal options in energy protection, a similar concept. Just as we have a 30-day period to cancel contracts if not satisfied, similarly that right to cancel in 30 days is in that act. That act as well has a 15-day cooling-off period before a new contract can be reaffirmed with a door-to-door salesperson of energy. Also, we're requiring retailers and marketers to provide consumers with written copies of contracts within a set period, specifying the retailer's responsibilities, cancelling contracts etc.

The point is that these important consumer protection pieces, as we update the laws from the 1960s and 1970s,

reside not only in Bill 180 but also in that important sector. I think all members of the assembly have brought examples forward of consumers who were put into unfavourable contracts. That's why that bill was brought forward by my colleagues, and similar principles reside in Bill 180, which we're having second debate on today.

Mr Levac: I appreciate the opportunity to make a comment, short as it will be, on the members for Essex and Prince Edward-Hastings. First, I want to assure the member for Prince Edward-Hastings that his kids are asleep, absolutely.

Laughter.

Mr Levac: You caught on.

He did make some valid points that, I want to assure the House, should be listened to very carefully. He mentioned FRO, the Family Responsibility Office, in terms of protection for our children, and mostly our women in Ontario. Some \$1.2 billion of uncollected money is nothing to scoff at. There are 230,000 children not receiving those monies, and the government has been struggling with this since 1995. We need to protect them much better than we are presently doing, and I would encourage the government to step forward and present us with initiatives that are definitely going to get those people taken care of because that is a shameful record that no one should take pride in, and they actually should be working diligently to solve that problem. The member brought it up in a case of protection because that's consumer protection, for sure, at its best.

The member from Essex brought us five points, and then he added a sixth, two of which I've been very active in my riding about, and one of those is the 15% increase to long-term-care residents. They are exasperated in terms of trying to get a justification and action on that. When the government stands up and says it takes claim for a \$100-million investment, \$50 million of that is taken from their pockets, out of the 15%—that's out of their pockets and you're taking credit for it. So the reality of the day is that the government on that side is taking credit for a lot of money that is generated out of a 15% increase on senior citizens. That's not protecting our senior citizens at all, and shame on them for taking credit for doing it.

On macular degeneration, when the government of the day was presented with the bad situation it had, it said, "Yes, we're going to take care of them." They wouldn't retrofit it back to April 2000 nor would they take care of them. Now you have to be 50% blind before you get that coverage. Shame on the government. That's not protection.

Mr Bisson: I thought the presentations made by both the members were interesting because they raised a number of points, many of which I think we all take seriously in this Legislature. There are some unscrupulous business practices out there and, quite frankly, something has to be done about it, and I give the government credit for what it has done here. I don't think it goes far enough in some areas, but it is certainly a good start.

I would hope that the government would allow the bill to go to committee. I would hope that it would be

allowed to travel in the intersession this winter. That would give us an opportunity to speak to consumer groups and also to some of the business people about what can be done to put a little bit more teeth into this bill. I know one of the complaints I've had from some of the people who have written to me is that there are not enough teeth in this legislation in some of the areas and we should try to do something in order to give those who need protection a little bit more comfort, that those who are doing unscrupulous practices would actually, in fact, have some kind of repercussion for that. Maybe that in itself would be a deterrent.

The other thing the member talked about was insurance. Listen, we're getting it, I think, in all constituency offices. I can't speak for all members but I know in my constituency offices, all four of them in the riding, my oh my, the phone calls we've been getting over the last six months are really scary. I've got trucking firms that have shut down. They can't afford to renew their insurance. Basically the insurance companies have decided they're not in the business of insuring certain kinds of truck transportation and, as a result, they've put those people into the Facility market and in some cases they can't even get in. As a result, I've got some people who have seen their insurance go up not by 100% but go up by over 200% and thus close those people down. Plenty of drivers are finding all kinds of problems. If you ever had a claim or more than two claims in the last five years the insurance companies are saying, "Off to the Facility market you go." Homeowners with the same kind of thing: I had one woman who couldn't get insurance because nobody would insure her because she had three claims in a three-year period. Clearly something has to be done, and it's not done in this legislation on the insurance point.

The Acting Speaker: The member for Essex has two minutes to reply.

Mr Crozier: For the comments from the members for Beaches-East York and Timmins-James Bay, to the minister for his comments, to my colleague from Brant and also for sharing my time, the member for Prince Edward-Hastings, I want to thank them all.

I'm looking forward to the rest of the debate, to others who may have suggestions to the minister, and I'm confident that in his consideration of the bill as it moves forward he will take the suggestions we've made into consideration.

I think if there were two areas I'd like to emphasize from my comments, there's one that affects all consumers of all ages and that is when it comes to the provision of gasoline in this province and the fact that consumers too often feel they're being gouged at the pumps. I point out that obviously the government has felt that in the past, if in fact the committees, the gas-busters and others, looked at gasoline pricing and suggested to the government some ways that it might be controlled, regulated and supportive of consumers' concerns—that they'd look at that is one area in particular. The others are those areas of consumer goods and services that

affect the elderly in our society who are more often taken advantage of. I would encourage the minister to look in those two areas in particular.

The Acting Speaker: Further debate?

Mr Prue: I just want to clarify for the record: I believe that I am taking just 20 minutes here and standing down the lead until tomorrow. That has been agreed to?

The Acting Speaker: Are you asking for unanimous consent to stand down the opening speech for your party?

Mr Prue: Yes.

The Acting Speaker: Is there unanimous consent? Agreed.

Mr Prue: Then tomorrow, or on the next date that this is called for hearing, you can hear the wit and wisdom of the member for Hamilton West.

I am delighted to stand up for 20 minutes here tonight and talk about this particular bill because it is a bill whose time is probably long overdue in a number of respects and it is a bill that we in this Legislature need to pass to protect the many vulnerable people in our society who are quite regularly preyed upon by unscrupulous business practices. I would just like to relay a few of those stories that have come across my desk and one actually which personally happened to me last night, which I consider unscrupulous, that I'm hoping this bill will help to resolve.

Two days ago I got a phone call from a government of Ontario employee who called to alert me to what she felt was senior fraud in our neighbourhoods. Her mother, who is some 76 years old, who lives alone, was visited by a vacuum cleaner salesman. I haven't seen one of these guys for a long time. But he was making the rounds in our neighbourhood and attempting to sell vacuum cleaners which, to my way of thinking, were horrendously priced. He came to this poor unsuspecting woman and he offered her a vacuum cleaner that regularly retails for \$2,600, which he was discounting by \$1,000, and she could have it for \$1,600 if she acted immediately upon this day.

2110

Mr Bisson: What kind of vacuum cleaner is that?

Mr Prue: I don't know. It must be a tremendous vacuum cleaner for that kind of price.

He talked to this poor woman for about an hour and he finally, by cajoling her and telling her stories and the fact that his own mother had purchased one of these vacuum cleaners and was very happy with it, convinced her this vacuum cleaner was, I guess, something in her dreams.

Mr Bisson: It's still in her dreams.

Mr Prue: Yes. The vacuum cleaner was delivered the next day. Her daughter did not know anything about it, her family did not know anything about it. When the old lady attempted to use the vacuum cleaner she found out that it was not possible because it was not one of these light-weight vacuum cleaners that one can see on television, where you can lift it up and down the stairs and that costs a couple of hundred dollars. It was a big, giant old clunker which she could not move around.

When her daughter found out, of course, she immediately tried to get her mother out of the contract. But these guys are pretty shifty and they're pretty swift and they're pretty smart and it took a government of Ontario employee, who is quite an intelligent woman in her own right, a day or two to actually locate this company. Yes, they did have a bricks-and-mortar address and she was able to finally take the vacuum cleaner back, with her mother in tow, to try to negate the contract. The company was singularly unwilling to accept and said that they had a signed statement. They would not listen about the 10-day cooling-off period; they would not listen to the 30-day period; they would not listen to anything.

The woman in the end was forced to leave the vacuum cleaner on the front stairs of this bricks-and-mortar company. She hopes, and I hope for her sake too, that will be the end of the matter. If it is not, you can see a 76-year-old woman who lives alone being subject to a court case and lawyers and letters and any number of other things because she unwisely signed her name to a vacuum cleaner that she did not need, that was far too large for her purposes, that she could not lift. Quite frankly, it ended up being a \$1,600 vacuum cleaner. I doubt that any of the major chains in this country sell vacuum cleaners at anywhere near that cost. It is just one story that I hope this legislation will fix.

I have another story of an immigrant couple who came in to see me, and I don't know whether this legislation will fix it or not, because there's nothing that I can see in the body of this legislation about people who get ripped off by immigration consultants or people who are out there preying on new immigrants or their families or people who are desperate to be reunited with loved ones.

In this province and in this country it is possible for literally anyone to hang a shingle outside their door and say that they are an immigration consultant. These consultants prey on recent immigrants or people who do not understand the legislation and they promise, for \$1,500 to \$2,000, to take cases that are clearly not allowable in law. The money is paid up front and there is generally and almost universally no recourse to getting that kind of money back. If the law is going to protect consumers and is going to protect people from fraudulent claims or spurious claims made by people who are practitioners of immigration law or policy, then it would seem to me that they should be licensed and that there should be a compendium or a companion step to much of this to regulate any people who offer a service. I don't see that in here, although the legislation talks about goods as well as services.

That brings me to a third story, and again it's one of these so-called experts who hang shingles outside. There are many of them now in the city of Toronto who claim to be experts on tenant law and on the Tenant Protection Act. They will take the money of tenants who believe they are being unjustly done to in terms of evictions or above-guideline increases or the wrath of their particular landlord and will offer to go with them to the tribunal to represent their interests. These people, again with no

qualifications whatsoever, will ask for exorbitant sums of money, anywhere from \$1,000 to \$2,000, to take on a case in order to represent and who really have no expertise whatsoever. There is virtually no way that those consumers who have been, I would suggest, bilked by going to one of these fly-by-night operators can ever get their money back. I'm not sure whether it's in the legislation or not. It's quite complex and I'm hoping that over time the minister might be able to detail whether or not tenants are going to be protected in this area.

We also have, and we've heard this from some of the other speakers, the whole scenario about people signing up for hydro and gas contracts. What I heard only just a few days ago is that one of my constituents, one of my friends, signed a hydro contract thinking it was a good idea only to subsequently find out that she also had a gas contract at the same time, which she was unaware of. The person who came around selling the hydro contracts also slipped in a gas contract, "Sign here, sign here, sign here," and the poor unwitting person who signed was signing not one contract but two. I would hope that there would be something in the legislation that will ensure that people who think they are signing one contract and subsequently find out they've signed a second one can at least get out of it.

That brings me to the last one, which happened to me last night when I got home. I got a phone call from one of the major banks, and I know that we cannot regulate them; they're federal institutions. But just to warn people what's happening, about a week before I got a letter in the mail saying, "Congratulations." They had given me a 30-day free service on my banking card, which normally would cost \$20 a month, for me to have insurance if someone stole my bank card or if someone used it fraudulently. It was a 30-day free service for which there was a normal charge of \$20. Yesterday I got phoned by some company that was hired by the major bank and told, "That's a great service we gave you for free and we're just phoning up to confirm that you want to continue with this service for only another \$20 a month for the rest of your life, and isn't it really great?" When I told him I wasn't too interested, he wanted to make sure that I still wanted my 30-day free service, which I hadn't signed for. I told him I wasn't interested.

But this is the kind of scam that comes out of a credit card with people phoning me. I am sure there are many hundreds of thousands of people who think they're getting a free service who don't understand where that extra \$20 billing at the end of the month comes from. Again, I know that we may not be able to regulate the banks, but if the banks are doing it, I believe that just about everybody in the world is going to try this kind of thing: to give a free service and then expect you to pay to continue it thereafter.

The reality is that these scams grow daily. As fast as government can regulate people to try to stop them there will be people who are smart enough to think of a new one to get around it. I am firmly convinced that as long as there are honest people in government trying to stop it, there will be dishonest people outside of government

finding new loopholes, new ways to get around it. Perhaps our job is impossible, but I commend the government anyway for giving it a try.

Hon Mr Clark: Try to think positively.

Mr Prue: I'm thinking positively. I think I'm speaking positively too.

As some of the speakers have previously said, we have scams now on the Internet; we have scams in leasing in small print; we have scams on the telephone; we have scams of door-to-door salesmen, we have scams in stores; we have scams literally everywhere, and the consumer needs to be protected.

I commend the government for at least making that first attempt to protect consumers, but there are two areas—and I don't even think I'm going to get into the hydro issue tonight because I've only got nine minutes and 19 seconds. But there are two issues that I would like you to consider for this bill when you are attempting to improve it, when I hope it goes to committee, when I hope it goes to clause by clause, when I hope it goes to public discussion.

2120

The first is the whole issue around fringe banking. Fringe banking is something that you will see on the corners of almost every town, of every city, of every pretty-large village in this province, and that is the place where it says, "Cheques cashed. Need a loan till payday?" I think that we have all seen those. You see this kind of fringe banking where someone goes in who has a job but who doesn't get paid until Friday. They charge hugely high fees. They charge unfair collection rates. They charge interest rates which border on usury.

If you calculate all of these fees, if you calculate all of the collections and all of the interest rates, you will find out that in some cases people are paying up to 500% interest per year for loans that they take out for two or three days. They don't take it out for a whole year; they only take it out for two or three days or for a week. But it is not unusual for people to end up paying 10% of that cheque which they get at the end of the week which they have already signed away in order to borrow the money. That's 10% per week. That works out to pretty close to 500% per year in charges from these fringe banking groups.

Who do they specifically deal with? Mostly they deal with people who live on the margins, people who live from one paycheque to another, people who find it difficult, through no fault of their own on occasion, and they run out of a couple of bucks just before payday. It might be at the end of the month. They may have to pay their mortgage; they may have to buy groceries for the kids. They go in there, they do that, and there it is.

The federal laws say that you can't charge more than 60%, but they get around this whole federal act by using fees and collections and interest rates together. What I'm suggesting to the minister opposite is that he have a look at this whole fringe banking system to see whether we can tighten them up, because if consumers ever needed protection, they need protection from these fringe bankers.

There's a second one—we probably don't realize how much money is being made and where the protection is needed—and this is from the ATMs. Not the ATMs that the major banks run—

Mr Bisson: Tell them about the Moosonee one.

Mr Prue: OK. When you go into an ATM that is not regulated by one of the major banks or one of the public lending institutions or by any of the larger credit unions, you can end up paying huge amounts of money. The banks are regulated federally, but these white-label ATMs can be and should be, and I think are, regulated by provincial statute.

Gilles Bisson and I went to Moosonee. Gilles Bisson needed some money and he couldn't get any because there was no ATM in the CIBC. But there was a white-label ATM in Moosonee.

Mr Bisson: In the corner store.

Mr Prue: In the corner store. I'm going to let him tell you how much he had to pay.

Mr Bisson: Seven bucks.

Mr Prue: He had to pay \$7 to take \$100 out. That is just outrageous, the cost that somebody in a community like that, that has no other ATM, that has no other source, has to pay \$7 to take \$100 out. That's 7% immediately. It needs to be regulated.

In that one, at least they told him that he was going to have to pay \$7.

Mr Bisson: Where was I going to go?

Mr Prue: There was nowhere else to go. But in many places they do not even tell the consumer how much they're going to be charged. The fees are not printed up front. There is no security for the PIN numbers. We all know that you go to one of these unregulated machines, you put your card in and there's no regulation to secure the PIN numbers or recourse if there are any errors. Had Gilles not got the \$100 out of the machine, plus the \$7 that he was charged, then he would have had a very hard if not impossible time to get his money back, had it not spit out the currency. There is literally no recourse; there is no legislation that allows for it. The consumers need to be protected from these white-label ATMs. I did not see anything in the legislation that talked about it, but I'm sure the minister, in discussions with his staff, will see that there is a huge need for these to be regulated as well.

I've only got just under four minutes left. I guess I have time just to talk about some of the hydro scams that are going on out there.

We do know that these were almost legendary six months ago, with people going from door to door selling hydro and saying, "You have to sign up here and we're going to protect you." In fact, I guess in benefit of hindsight, when we look back, signing up for six cents per kilowatt hour seemed to me to be a huge increase from 4.3 cents, which had been regulated. It looked huge in those days; it does not look nearly so large today. But the consumers were gouged many times because what they

were not told about was not just the rate that was six cents per kilowatt hour, but all the other little fees that would accompany the new hydro bills. People did not realize when they were signing that they were signing for anything except six cents, and they did not realize until today, when they're starting to get those hydro bills, that there is a whole range of prices built into those hydro bills of which they were not aware.

So even though they felt they were being protected, and many people in Toronto still feel to this day that they are being protected, the reality is that they are not. The consumers need to know what the bottom line is. Always, the bottom line must be told. Not only in hydro bills, but in everything else, the bottom line, the cost, whatever is there, has to be there. It is not enough to tell the consumer that, as in the case of hydro or gas bills, you're going to pay so much per kilowatt hour or so much per cubic metre of gas. You need to be told what the final cost is going to be and all the additional governmental and non-governmental sums that are added into it. Everything from administration fees to taxes—people need to know what those are. Any bill that is going to protect consumers must include that as well.

We in the New Democratic Party believe that all of this door-to-door selling of energy commodities should be outlawed. In fact, Howard Hampton introduced Bill 73 some many months ago to ban the practice. We still think that is the preferred option. We would invite the minister to ban this kind of high-pressure, door-to-door sales of things like energy, like natural gas, like electricity.

Having said that, and I guess I've only got about a minute left, I would like to, again, go back to where I started, and that is commending the minister for taking that first step of protecting consumers in this province. There is much that is good about this bill. This bill could be a truly great consumers' bill if it goes in several other directions that I believe, and the New Democratic Party believes, are essential. I've tried to outline those in just 20 minutes: the fringe banking, the white-label ATMs, the whole issue around door-to-door sales of energy. If those can be captured within this bill, then consumers can be protected, particularly the old and the vulnerable. Of all the people who get ripped off by these systems, it is most heartbreaking to me, as a politician, as a former municipal councillor and a mayor, to see the number of senior citizens who are subject to these fraudulent schemes, these get-rich-quick scam artists. They need our protection. They need to be protected from the fraud, and whatever bill will protect them from fraud and allow their families to assist them in the long term will benefit all of us. Thank you very much.

The Acting Speaker: It being 9:30 of the clock, this House stands adjourned until tomorrow at 1:30 pm.

The House adjourned at 2129.

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Monday 28 October 2002

SECOND READINGS

Consumer Protection Statute Law Amendment Act, 2002.

Bill 180, *Mr Hudak*

Mr Hudak	2525, 2535, 2543
Mr Wettlaufer	2530
Mr Stewart	2532
Mr Crozier	2534, 2535, 2544
Mr Bisson	2534, 2544
Mr Klees	2534
Mrs Dombrowsky	2535
Mr Parsons	2540
Mr Prue	2543, 2545
Mr Levac	2544
Debate deemed adjourned	2547

TABLE DES MATIÈRES

Lundi 28 octobre 2002

DEUXIÈME LECTURE

Loi de 2002 modifiant des lois en ce qui concerne la protection du consommateur,

projet de loi 180, M. Hudak

Débat présumé ajourné	2547
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